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House of Representatives

The House met at 2 p.m.

The Chaplain, Reverend James David Ford, D.D., offered the following prayer:

Let us pray using words of Psalm 46.

God is our refuge and strength, a very present help in trouble.

Therefore we will not fear though the Earth should change, though the mountains shake in the heart of the sea; though its waters roar and foam, though the mountains tremble with its tumult.

Come behold the works of the Lord, how He has wrought desolations in the Earth.

He makes wars cease to the end of the Earth; He breaks the bow, and shatters the spear; He burns the chariots with fire.

Be still, and know that I am God. I am exalted among the nations. I am exalted in the Earth.

The Lord of hosts is with us; the God of Jacob is our refuge. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Michigan (Mr. KNOLLENBERG) come forward and lead the House in the Pledge of Allegiance.

Mr. KNOLLENBERG led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed a Concurrent Resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 6. Concurrent resolution authorizing flags located in the Capitol complex to be flown at half-staff in memory of R. Scott Bates, Legislative Clerk of the United States Senate.

The message also announced that pursuant to sections 1928a–1928d of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints the Senator from Delaware (Mr. BIDEN) as Vice Chairman of the Senate Delegation to the North Atlantic Assembly during the One Hundred Sixth Congress.

The message also announced that pursuant to sections 1928a–1928d of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints the Senator from Delaware (Mr. ROTH) as Chairman of the Senate Delegation to the North Atlantic Assembly during the One Hundred Sixth Congress.

The message also announced that pursuant to sections 276h–276k, as amended, the Chair, on behalf of the Vice President, appoints the Senator from Connecticut (Mr. DODD) as Vice Chairman of the Senate Delegation to the Mexico-United States Interparliamentary Group during the One Hundred Sixth Congress.

The message also announced that pursuant to Public Law 105–83, the Chair, on behalf of the Majority Leader, announces the appointment of the Senator from Alabama (Mr. SESSIONS) to serve as a member of the National Council on the Arts.

The message also announced that pursuant to Public Law 105–277, the Chair, on behalf of the Democratic Leader announces the appointment of the following individuals to serve as members of the National Commission on Terrorism:

Richard Kevin Betts, of New Jersey; and

Maurice Sonnenberg, of New York.

The message also announced that pursuant to sections 276h–276k of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints the Senator from Georgia (Mr. COVERDELL) as the Chairman of the Senate Delegation to the Mexico-United States Interparliamentary Group during the One Hundred Sixth Congress.

The message also announced that pursuant to Public Law 105–292, the Chair, on behalf of the President pro tempore, upon the recommendation of the Democratic Leader, appoints The Most Reverend Theodore E. McCarrick, Archbishop of Newark, New Jersey, to the Commission on International Religious Freedom.

The message also announced that pursuant to Public Law 105–277, the Chair, on behalf of the President pro tempore, in consultation with the Ranking Member of the Senate Committee on Finance, appoints the following individuals to the Trade Deficit Review Commission:

Dimitri B. Papadimitriou, of New York;

C. Richard D'Amato, of Maryland; and

Lester C. Thurow, of Massachusetts.

The message also announced that pursuant to Public Law 105–277, the Chair, on behalf of the Majority Leader, announces the appointment of Manuel H. Johnson, of Virginia, to serve as a member of the International Financial Institution Advisory Commission.

The message also announced that pursuant to section 2761 of title 22, United States Code, the Chair, on behalf of the President pro tempore, and upon the recommendation of the Majority Leader, appoints the Senator from Alaska (Mr. STEVENS) as Chairman of the Senate Delegation to the British-American Interparliamentary Group during the One Hundred Sixth Congress.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Printed on recycled paper.

The message also announced that pursuant to Public Law 105–277, the Chair, on behalf of the Majority Leader, announces the appointment of the following individuals to serve as members of the Commission on Online Child Protection:

Arthur Derosier, Jr., of Montana—Representative of academia with expertise in the field of technology;

Albert F. Gainer III, of Tennessee—Representative of a business providing Internet filtering or blocking services or software;

Donna Rice Hughes, of Virginia—Representative of a business making content available over the Internet;

C. Bradley Keirens, of Colorado—Representative of a business providing Internet access services; and

Karen L. Talbert, of Texas—Representative of a business providing labeling or ratings services.

The message also announced that pursuant to Public Law 105–277, the Chair, on behalf of the Majority Leader, announces the appointment of the following individuals to serve as members of the National Commission on Terrorism:

Wayne A. Downing, of Colorado;

Fred Ikle, of Maryland; and

John F. Lewis, of New York.

The message also announced that pursuant to Public Law 93–415, as amended by Public Law 102–586, the Chair, on behalf of the Majority Leader, after consultation with the Democratic Leader, announces the appointment of William Keith Oubre, of Mississippi, to serve as member of the Coordinating Council on Juvenile Justice and Delinquency Prevention, vice Robert H. Maxwell, of Mississippi.

The message also announced that pursuant to Public Law 105–83, the Chair, on behalf of the Democratic Leader, announces the appointment of the Senator from Illinois (Mr. DURBIN) as a member of the National Council on the Arts.

The message also announced that pursuant to Public Law 105–244, the Chair, on behalf of the Majority Leader announces the appointment of the following individuals to serve as members of the Web-Based Education Commission: Patti S. Abraham, of Mississippi; and George Bailey, of Montana.

The message also announced that pursuant to sections 276d–276g of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints the Senator from Alaska (Mr. MURKOWSKI) as Chairman of the Senate Delegation to the Canada-United States Interparliamentary Group during the First Session of the One Hundred Sixth Congress.

The message also announced that pursuant to Public Law 105–277, the Chair, on behalf of the Majority Leader, announces the appointment of the following individuals to serve as members of the International Financial Institution Advisory Commission: Charles W. Calomiris, of New York; and Edwin J. Feulner, Jr., of Virginia.

The message also announced that pursuant to Public Law 105–255, the Chair, on behalf of the Majority Leader, announces the appointment of the following individuals to serve as members of the Commission on the Advancement of Women and Minorities in Science, Engineering and Technology Development: Judy L. Johnson, of Mississippi; and Elaine M. Mendoza, of Texas.

The message also announced that pursuant to Public Law 104–293, as amended by Public Law 105–277, the Chair, on behalf of the Majority Leader, announces the appointment of the following individuals to serve as members of the Commission to Assess the Organization of the Federal Government to Combat the Proliferation of Weapons of Mass Destruction: M.D.B. Carlisle, of Washington, D.C.; and Henry D. Sokolski, of Virginia.

NORTH KOREA'S LAUNCH OF TAEPO DONG MISSILE A WAKE-UP CALL

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, last year I and many of my colleagues expressed our concerns over the growing missile threat to the United States.

Chief among those concerns was the administration's lack of resolve to deploy a National Missile Defense system.

Surprisingly, though, the North Korean launch of a Taepo Dong missile in August of last year was a wake-up call for this administration and for America as well, because portions of this missile landed off the coast of Alaska.

Mr. Speaker, the threat is here and it must be countered. I applaud the dedication of $6.6 billion in the administration's budget and the commitment to deploy viable National Missile Defense.

I am proud to be a part of this effort and, based on my own experience in the Gulf War with these terror weapons, I will fight to ensure that no American citizen will ever be confronted with a Taepo Dong missile or any other terror missile.

Mr. Speaker, with all the uncertainties in our world, for our children, for our grandchildren, we must strengthen our national security and protect our precious country.

I encourage all Members to help protect America. Let us pass H.R. 4, because a national missile defense is something we cannot live without.

IT IS TIME FOR AN ACROSS THE BOARD INCOME TAX CUT

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, on January 6, I introduced a bill to cut Federal income taxes by 10 percent across the board.

Taxes are at an all time high. When State and local taxes are added to the Federal tax bite, the average American family ends up paying more in taxes than it spends on housing, food and clothing combined.

I believe that is outrageous. With the Federal Government expected to run a surplus of $4.4 trillion over the next 15 years, there is no excuse for taxing the American people at a higher level than what was needed to win World War II.

Mr. Speaker, it is time to cut taxes for every American. A 10 percent across the board tax cut is the fairest and simplest way to provide the American people with the tax relief that they deserve. Instead of picking winners and losers, this proposal benefits every American who earns a paycheck.

I urge my colleagues on both sides of the aisle to support this common sense tax relief plan.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. NETHERCUTT) laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington DC, February 4, 1999.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on February 4, 1999 at 12:30 p.m. and said to contain a message from the President whereby he submits the Economic Report of the President.

With best wishes, I am

Sincerely,

JEFF TRANDAHL.

ECONOMIC REPORT OF THE PRESIDENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 106–2)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Joint Economic Committee and ordered to be printed:

To the Congress of the United States:

I am pleased to report that the American economy today is healthy and strong. Our Nation is enjoying the longest peacetime economic expansion in its history, with almost 18 million new jobs since 1993, wages rising at twice the rate of inflation, the highest home ownership ever, the smallest welfare rolls in 30 years, and unemployment and inflation at their lowest levels in three decades.

This expansion, unlike recent previous ones, is both wide and deep. All income groups, from the richest to the poorest, have seen their incomes rise since 1993. The typical family income is

up more than $3,500, adjusted for inflation. African-American and Hispanic households, who were left behind during the last expansion, have also seen substantial increases in income.

Our Nation's budget is balanced, for the first time in a generation, and we are entering the second year of an era of surpluses: our projections show that we will close out the 1999 fiscal year with a surplus of $79 billion, the largest in the history of the United States. We are on course for budget surpluses for many years to come.

These economic successes are not accidental. They are the result of an economic strategy that we have pursued since 1993. It is a strategy that rests on three pillars: fiscal discipline, investments in education and technology, and expanding exports to the growing world market. Continuing with this proven strategy is the best way to maintain our prosperity and meet the challenges of the 21st century.

THE ADMINISTRATION'S ECONOMIC AGENDA

Our new economic strategy was rooted first and foremost in fiscal discipline. We made hard fiscal choices in 1993, sending signals to the market that we were serious about dealing with the budget deficits we had inherited. The market responded by lowering long-term interest rates. Lower interest rates in turn helped more people buy homes and borrow for college, helped more entrepreneurs to start businesses, and helped more existing businesses to invest in new technology and equipment. America's economic success has been fueled by the biggest boom in private sector investment in decades—more than $1 trillion in capital was freed for private sector investment. In past expansions, government bought more and spent more to drive the economy. During this expansion, government spending as a share of the economy has fallen.

The second part of our strategy has been to invest in our people. A global economy driven by information and fast-paced technological change creates ever greater demand for skilled workers. That is why, even as we balanced the budget, we substantially increased our annual investment in education and training. We have opened the doors of college to all Americans, with tax credits and more affordable student loans, with more work-study grants and more Pell grants, with education IRAs and the new HOPE Scholarship tax credit that more than 5 million Americans will receive this year. Even as we closed the budget gap, we have expanded the earned income tax credit for almost 20 million low-income working families, giving them hope and helping lift them out of poverty. Even as we cut government spending, we have raised investments in a welfare-to-work jobs initiative and invested $24 billion in our children's health initiative.

Third, to build the American economy, we have focused on opening foreign markets and expanding exports to our trading partners around the world. Until recently, fully one-third of the strong economic growth America has enjoyed in the 1990s has come from exports. That trade has been aided by 270 trade agreements we have signed in the past 6 years.

ADDRESSING OUR NATION'S ECONOMIC CHALLENGES

We have created a strong, healthy, and truly global economy—an economy that is a leader for growth in the world. But common sense, experience, and the example of our competitors abroad show us that we cannot afford to be complacent. Now, at this moment of great plenty, is precisely the time to face the challenges of the next century.

We must maintain our fiscal discipline by saving Social Security for the 21st century—thereby laying the foundations for future economic growth.

By 2030, the number of elderly Americans will double. This is a seismic demographic shift with great consequences for our Nation. We must keep Social Security a rock-solid guarantee. That is why I proposed in my State of the Union address that we invest the surplus to save Social Security. I proposed that we commit 62 percent of the budget surplus for the next 15 years to Social Security. I also proposed investing a small portion in the private sector. This will allow the trust fund to earn a higher return and keep Social Security sound until 2055.

But we must aim higher. We should put Social Security on a sound footing for the next 75 years. We should reduce poverty among elderly women, who are nearly twice as likely to be poor as other seniors. And we should eliminate the limits on what seniors on Social Security can earn. These changes will require difficult but fully achievable choices over and above the dedication of the surplus.

Once we have saved Social Security, we must fulfill our obligation to save and improve Medicare and invest in long-term health care. That is why I have called for broader, bipartisan reforms that keep Medicare secure until 2020 through additional savings and modernizing the program with market-oriented purchasing tools, while also providing a long-overdue prescription drug benefit.

By saving the money we will need to save Social Security and Medicare, over the next 15 years we will achieve the lowest ratio of publicly held debt to gross domestic product since 1917. This debt reduction will help keep future interest rates low or drive them even lower, fueling economic growth well into the 21st century.

To spur future growth, we must also encourage private retirement saving. In my State of the Union address I proposed that we use about 12 percent of the surplus to establish new Universal Savings Accounts—USA accounts. These will ensure that all Americans have the means to save. Americans could receive a flat tax credit to contribute to their USA accounts and additional tax credits to match a portion of their savings—with more help for lower income Americans. This is the right way to provide tax relief to the American people.

Education is also key to our Nation's future prosperity. That is why I proposed in my State of the Union address a plan to create 21st-century schools through greater investment and more accountability. Under my plan, States and school districts that accept Federal resources will be required to end social promotion, turn around or close failing schools, support high-quality teachers, and promote innovation, competition, and discipline. My plan also proposes increasing Federal investments to help States and school districts take responsibility for failing schools, to recruit and train new teachers, to expand after school and summer school programs, and to build or fix 5,000 schools.

At this time of continued turmoil in the international economy, we must do more to help create stability and open markets around the world. We must press forward with open trade. It would be a terrible mistake, at this time of economic fragility in so many regions, for the United States to build new walls of protectionism that could set off a chain reaction around the world, imperiling the growth upon which we depend. At the same time, we must do more to make sure that working people are lifted up by trade. We must do more to ensure that spirited economic competition among nations never becomes a race to the bottom in the area of environmental protections or labor standards.

Strengthening the foundations of trade means strengthening the architecture of international finance. The United States must continue to lead in stabilizing the world financial system. When nations around the world descend into economic disruption, consigning populations to poverty, it hurts them and it hurts us. These nations are our trading partners; they buy our products and can ship low-cost products to American consumers.

The U.S. proposal for containing financial contagion has been taken up around the world: interest rates are being cut here and abroad, America is meeting its obligations to the International Monetary Fund, and a new facility has been created at the World Bank to strengthen the social safety net in Asia. And agreement has been reached to establish a new precautionary line of credit, so nations with strong economic policies can quickly get the help they need before financial problems mushroom from concerns to crises.

We must do more to renew our cities and distressed rural areas. My Administration has pursued a new strategy, based on empowerment and investment, and we have seen its success. With the critical assistance of Empowerment Zones, unemployment rates

in cities across the country have dropped dramatically. But we have more work to do to bring the spark of private enterprise to neighborhoods that have too long been without hope. That is why my budget includes an innovative ''New Markets'' initiative to spur $15 billion in new private sector capital investment in businesses in underserved areas through a package of tax credits and guarantees.

GOING FORWARD TOGETHER IN THE 21ST CENTURY

Now, on the verge of another American Century, our economy is at the pinnacle of power and success, but challenges remain. Technology and trade and the spread of information have transformed our economy, offering great opportunities but also posing great challenges. All Americans must be equipped with the skills to succeed and prosper in the new economy. America must have the courage to move forward and renew its ideas and institutions to meet new challenges. There are no limits to the world we can create, together, in the century to come.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 4, 1999.*

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, February 8, 1999.

Hon. J. DENNIS HASTERT,
The Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on February 5, 1999 at 3:50 p.m. and said to contain a message from the President whereby he submits a report on ongoing efforts to achieve sustainable peace in Bosnia and Herzegovina.

With best wishes, I am

Sincerely,

JEFF TRANDAHL.

REPORT ON EFFORTS TO ACHIEVE SUSTAINABLE PEACE IN BOSNIA AND HERZEGOVINA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 106–17)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Pursuant to section 7 of Public Law 105–174, I am providing this report to inform the Congress of ongoing efforts to achieve sustainable peace in Bosnia and Herzegovina (BiH). This is the first semiannual report that evaluates progress in BiH against the ten benchmarks (''aims'') outlined in my certification to the Congress of March 3, 1998. NATO adopted these benchmarks on May 28, 1998, as part of its approval of the Stabilization Force (SFOR) military operations plan (OPLAN 10407). The Steering Board of the Peace Implementation Council (PIC) subsequently adopted corresponding benchmarks in its Luxembourg Declaration of June 9, 1998.

NATO, the Office of the High Representative (OHR) and my Administration have coordinated closely in evaluating progress on Dayton implementation based on these benchmarks. There is general agreement that there has been considerable progress in the past year. The basic institutions of the state, both political and economic, have been established. Key laws regarding foreign investment, privatization, and property are now in place. Freedom of movement across the country has substantially improved. Fundamental reform of the media is underway. Elections have demonstrated a continuing trend towards growing pluralism. Nevertheless, there is still much to be done, in particular on interethnic tolerance and reconciliation, the development of effective common institutions with powers clearly delineated from those of the Entities, and an open and pluralistic political life. The growth of organized crime also represents a serious threat.

With specific reference to SFOR, the Secretaries of State and Defense, in meetings in December 1998 with their NATO counterparts, agreed that SFOR continues to play an essential role in the maintenance of peace and stability and the provision of a secure environment in BiH, thus contributing significantly to progress in rebuilding BiH as a single, democratic, and multiethnic state. At the same time, NATO agreed that we do not intend to maintain SFOR's presence at current levels indefinitely, and in fact agreed on initial reductions, which I will describe later in this report. Below is a benchmark-by-benchmark evaluation of the state-of-play in BiH based on analysis of input from multiple sources.

1. *Military Stability*. Aim: Maintain Dayton cease-fire. Considerable progress has been made toward military stabilization in BiH. Entity Armed Forces (EAFs) are in compliance with Dayton, and there have been no incidents affecting the cease-fire. EAFs remain substantially divided along ethnic lines. Integration of the Federation Army does not reach down to corps-level units and below. However, progress has been made through the Train and Equip Program to integrate the Ministry of Defense and to provide the Federation with a credible deterrent capability. Although it is unlikely to meet its target of full integration by August 1999, the Federation Ministry of Defense has begun staff planning for integration. The Bosnian Serb Army (VRS) continues its relationship with the Federal Republic of Yugoslavia (FRY) Army. Similarly, the Bosnian Croat element of the Federation Army maintains ties with Croatia. In both cases, however, limited resources impinge on what either Croatia or the FRY can provide financially or materially; the overall trend in support is downward. In some areas, the VRS continues to have certain qualitative and quantitative advantages over the Federation Army, but the Train and Equip Program has helped narrow the gap in some key areas. The arms control regimes established under Articles II (confidence and security-building measures) and IV (arms reduction and limitations) of Annex 1–B of the Dayton Peace Accords are functioning. In October 1997, BiH and the other parties were recognized as being in compliance with the limitations on five major types of armaments (battle tanks, armored combat vehicles, artillery, combat aircraft, and attack helicopters) set forth in the Article IV agreement, which were derived from the Annex 1B 5:2:2 ratios for the FRY, Republic of Croatia, and BiH respectively. The parties have since maintained armament levels consistent with the limitations and are expected to do so in the future. A draft mandate for an Article V agreement (regional stability) has been approved; negotiations are due to begin in early 1999. Military stability remains dependent on SFOR as a deterrent force.

2. *Public Security and Law Enforcement*. Aim: A restructured and democratic police force in both entities. There has been considerable progress to date on police reform due to sustained joint efforts of the International Police Task Force (IPTF), Office of the High Representative (OHR), and SFOR, which have overcome a number of significant political obstacles. So far, approximately 85 percent of the police in the Federation have received IPTF-approved training, as have approximately 35 percent of the police in the Republika Srbska (RS). All sides continue to lag in the hiring of minority officers and, as the IPTF implements its plans to address this problem, tensions will increase in the short-term. SFOR often must support the IPTF in the face of crime, public disorder, and rogue police. Monoethnic police forces have often failed to facilitate minority returns. In these types of scenarios, SFOR's use of the Multinational Specialized Unit (MSU) has been a force multiplier, requiring fewer, but specially trained troops. At this point, SFOR's essential contribution to maintaining a secure environment, to include backing up IPTF in support of nascent civilian police forces, remains critical to continued progress.

3. *Judicial Reform*. Aim: An effective judicial reform program. Several key steps forward were taken in 1998, such as the signing of an MOU on Inter-Entity Legal Assistance on May 20, 1998, and establishment of an Inter-Entity Legal Commission on June 4, 1998. The

Federation Parliament in July adopted a new criminal code. Nevertheless, the judicial system still requires significant reform. Judges are still influenced by politics, and the system is financially strapped and remains ethnically biased. Execution of judgments, in particular eviction of persons who illegally occupy dwellings, is especially problematic. The progress made in the area of commercial law is encouraging for economic development prospects.

4. *Illegal Institutions, Organized Crime, and Corruption.* Aim: The dissolution of illegal pre-Dayton institutions. Corruption remains a major challenge to building democratic institutions of government. Structures for independent monitoring of government financial transactions are still not in place. Shadow institutions still need to be eliminated. The burden of creating institutions to combat fraud and organized crime falls mostly to the international community and in particular to the IPTF. SFOR contributes to the secure environment necessary for the success of other international efforts to counter these illegal activities.

5. *Media Reform.* Aim: Regulated, democratic, and independent media. Approximately 80 percent television coverage has been achieved in BiH through the international community's support for the Open Broadcasting Network (OBN), which is the first (and so far only) neutral source of news in BiH. Several television and radio networks have been restructured and are led by new management boards. Most are in compliance with Dayton except for some regional broadcasts. The Independent Media Commission assumed responsibility for media monitoring from the OSCE on October 31, 1998. Progress has been significant, but BiH still has far to go to approach international standards. SFOR's past actions in this area are a key deterrent against illegal use of media assets to undermine Dayton implementation.

6. *Elections and Democratic Governance.* Aim: National democratic institutions and practices. With the exception of the election of a nationalist to the RS presidency, the September 1998 national elections continued the long-term trend away from reliance on ethnically based parties. The two major Serb nationalist parties lost further ground and, once again, will be unable to lead the RS government. Croat and Bosniak nationalist parties retained control, but saw margins eroded significantly. In this regard, SFOR's continued presence will facilitate conduct of the municipal elections scheduled for late 1999 but, as has been the case with every election since Dayton, the trend of increasingly turning over responsibility for elections to the Bosnians themselves will continue.

7. *Economic Development.* Aim: Free-market reforms. While the process of economic recovery and transformation will take many years, some essential groundwork has been laid. Privatization legislation and enterprise laws have been passed, and banking legislation has been partially passed. Fiscal revenues from taxes and customs have increased significantly. Nevertheless, the fiscal and revenue system is in its infancy. Implementation of privatization legislation is slow and the banking sector is under-funded, but there are signs of development in GDP. There has been a marked increase in freedom of movement, further enhanced by the uniform license plate law. SFOR's continued contribution to a secure environment and facilitating freedom of movement is vital as economic reforms begin to take hold.

8. *Displaced Person and Refugee (DPRE) Returns.* Aim: A functioning phased and orderly minority return process. While there have been some significant breakthroughs on DPRE returns to minority areas, such as Jajce, Stolac, Kotor Varos, Prijedor, Mostar, and Travnik, the overall numbers have been low. In some areas where minority DPREs have returned, interethnic tensions rose quickly. Some nationalist political parties continue to obstruct the return of minority DPREs to the areas they control. Poor living conditions in some areas present little incentive for DPREs to return. The Entities are using DPREs to resettle regions (opstinas) that are of strategic interest to each ethnic faction. SFOR's contribution to a secure environment remains vital to OHR efforts to facilitate minority returns.

9. *Brcko.* Aim: A multiethnic administration, DPRE returns, and secure environment. Freedom of movement in Brcko has improved dramatically. Citizens of BiH are increasingly confident in using their right to travel freely throughout the municipality and the region. Police and judicial elements have been installed, but the goal of multiethnicity in these elements still has not been realized. About 1,000 Federation families have returned to the parts of Brcko on the RS side of the Inter-Entity Boundary Line, but few Serb displaced persons have left Brcko to return to their pre-war homes. SFOR support will be a critical deterrent to the outbreak of violence during the period surrounding the Arbitrator's decision on Brcko's status anticipated for early in 1999.

10. *Persons Indicted for War Crimes (PIFWCs).* Aim: Cooperation with the International Criminal Tribunal for the former Yugoslavia (ICTY) leading to the transfer of PIFWCs to The Hague for trial. Thanks to action by the Congress, the Secretary of State now has the ability to offer rewards of up to $5 million for information leading to the arrest or conviction of PIFWCs. Of the 81 people indicted publicly by the Tribunal, only 29—36 percent—are still at large. The two highest-profile indictees, Karadzic and Mladic, are among them. Bosnians are cooperating with the ICTY, but the failure of the RS to support the ICTY is a major obstacle to progress. Bosnian Croats have cooperated with respect to the surrender of all but two public indictees, but have not cooperated fully with respect to the Tribunal's orders that they turn over documents needed for the fair trial of a number of indictees. SFOR continues to provide crucial support in the apprehension of PIFWCs and for ICTY exhumations.

In my report to the Congress dated July 28, 1998, I emphasized the important role that realistic target dates, combined with concerted use of incentives, leverage, and pressure on all parties, should play in maintaining the sense of urgency necessary to move steadily toward an enduring peace.

The December 1998 Peace Implementation Council Declaration and its annex (attached) offer target dates for accomplishment of specific tasks by authorities in BiH. The PIC decisions formed the background against which NATO Defense Ministers reviewed the future of SFOR in their December 17 meeting. Failure by Bosnian authorities to act within the prescribed timeframes would be the point of departure for more forceful action by the OHR and other elements of the international community. Priorities for 1999 will include: accelerating the transition to a sustainable market economy; increasing the momentum on the return of refugees and displaced persons, particularly to minority areas; providing a secure environment through the rule of law, including significant progress on judicial reform and further establishment of multiethnic police; developing and reinforcing the central institutions, including adoption of a permanent election law, and the development of greater confidence and cooperation among the Entity defense establishments with the goal of their eventual unification; and pressing ahead with media reform and education issues.

In accordance with the NATO Defense Ministers' guidance in June 1998, NATO is conducting a series of comprehensive reviews at no more than 6-month intervals. The first of these reviews was completed on November 16, 1998, and recently endorsed by the North Atlantic Council (NAC) Foreign and Defense Ministers. In reviewing the size and shape of SFOR against the benchmarks described above, the United States and its allies concluded that at present, there be no changes in SFOR's mission. NATO recommended, however, that steps begin immediately to streamline SFOR. The NAC Foreign and Defense Ministers endorsed this recommendation on December 8, 1998, and December 17, 1998, respectively. The Defense Ministers also endorsed a report from the NATO Military Authorities (NMAs) authorizing further adjustments in SFOR force levels—in response to the evolving security situation and support requirements—to be completed by the end of March 1999. While the specifics of these adjustments are still being worked, they could amount to reductions of as much as 10 percent from the 6,900 U.S. troops currently in SFOR. The 6,900 troop

level already represents a 20 percent reduction from the 8,500 troops deployed in June 1998 and is 66 percent less than peak U.S. deployment of 20,000 troops in 1996.

The NATO Defense Ministers on December 17, 1998, further instructed NMAs to examine options for possible longer-term and more substantial adjustments to the future size and structure of SFOR. Their report is due in early 1999 and will give the United States and its Allies the necessary information on which to base decisions on SFOR's future. We will address this issue in the NAC again at that time. Decisions on future reductions will be taken in the light of progress on implementation of the Peace Agreement. Any and all reductions of U.S. forces in the short or long term will be made in accordance with my Administration's policy that such reductions will not jeopardize the safety of U.S. armed forces serving in BiH.

My Administration values the Congress' substantial support for Dayton implementation. I look forward to continuing to work with the Congress in pursuit of U.S. foreign policy goals in Bosnia and Herzegovina.

WILLAM J. CLINTON.

THE WHITE HOUSE, *February 4, 1999.*

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, February 8, 1999.

Hon. J. DENNIS HASTERT,
The Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on February 5, 1999 at 3:50 p.m. and said to contain a message from the President whereby he submits a Budget Request for the District of Columbia.

With best wishes, I am
Sincerely,

JEFF TRANDAHL.

DISTRICT OF COLUMBIA COURTS' FISCAL YEAR 2000 BUDGET REQUEST—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 106–18)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Appropriations and ordered to be printed:

To the Congress of the United States:

In accordance with the District of Columbia Code, as amended, I am transmitting the District of Columbia Courts' FY 2000 Budget request.

The District of Columbia Courts have submitted a FY 2000 Budget request for $131.6 million for its operating expenditures and $17.4 million for courthouse renovation and improvements. My FY 2000 Budget includes recommended funding levels of $128.4 million for operations and $9.0 million for capital improvements for the District Courts. My transmittal of the District of Columbia Courts' budget request does not represent an endorsement of its contents.

I look forward to working with the Congress throughout the FY 2000 appropriation process.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 5, 1999.*

RULES OF THE COMMITTEE ON HOUSE OVERSIGHT FOR THE 106TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. THOMAS) is recognized for 5 minutes.

Mr. THOMAS. Mr. Speaker, I am submitting the attached Committee on House Administration rules for the 106th Congress for publication in the CONGRESSIONAL RECORD pursuant to House Rule XI, Clause 2.(a)(2). These Rules were adopted by the Committee on February 3, 1999.

COMMITTEE ON HOUSE ADMINISTRATION RULES OF PROCEDURE, ONE HUNDRED SIXTH CONGRESS

RULE NO. 1.—GENERAL PROVISIONS

(a) The Rules of the House are the rules of the committee so far as applicable, except that a motion to recess from day to day is a privileged motion in committees.

(b) The committee is authorized at any time to conduct such investigations and studies as it may consider necessary or appropriate in the exercise of its responsibilities under House Rule X and (subject to the adoption of expense resolutions as required by House Rule X, clause 6) to incur expenses (including travel expenses) in connection therewith.

(c) The committee is authorized to have printed and bound testimony and other data presented at hearings held by the committee, and to distribute such information by electronic means. All costs of stenographic services and transcripts in connection with any meeting or hearing of the committee shall be paid from the appropriate House account.

(d) The committee shall submit to the House, not later than January 2 of each odd-numbered year, a report on the activities of the committee under House Rules X and XI during the Congress ending at noon on January 3 of such year.

(e) The committee's rules shall be published in the Congressional Record not later than 30 days after the Committee is elected in odd-numbered year.

RULE NO. 2.—REGULAR AND SPECIAL MEETINGS

(a) The regular meeting date of the Committee on House Administration shall be the second Wednesday of every month when the House is in session in accordance with Clause 2(b) of House Rule XI. Additional meetings may be called by the chairman as he may deem necessary or at the request of a majority of the members of the committee in accordance with Clause 2(c) of House Rule XI. The determination of the business to be considered at each meeting shall be made by the chairman subject to Clause 2(c) of House Rule XI. A regularly scheduled meeting need not be held if there is no business to be considered.

(b) If the chairman of the committee is not present at any meeting of the committee, or at the discretion of the chairman, the vice chairman of the committee shall preside at the meeting. If the chairman and vice chairman of the committee are not present at any meeting of the committee, the ranking member of the majority party who is present shall preside at the meeting.

RULE NO. 3.—OPEN MEETINGS

As required by Clause 2(g), of House Rule XI, each meeting for the transaction of business, including the markup of legislation, of the committee, shall be open to the public except when the committee, in open session and with a quorum present, determines by record vote that all or part of the remainder of the meeting on that day shall be closed to the public because disclosure of matters to be considered would endanger national security, would compromise sensitive law enforcement information, or would tend to defame, degrade or incriminate any person, or otherwise would violate any law or rule of the House: *Provided*, however, that no person other than members of the committee, and such congressional staff and such departmental representatives as they may authorize, shall be present in any business or markup session which has been closed to the public.

RULE NO. 4.—RECORDS AND ROLLCALLS

(a) The result of each record vote in any meeting of the committee shall be transmitted for publication in the Congressional Record as soon as possible, but in no case later than two legislative days following such record vote, and shall be made available for inspection by the public at reasonable times at the committee offices, including a description of the amendment, motion, order or other proposition; the name of each member voting for and against; and the members present but not voting.

(b) All committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the member serving as chairman of the committee; and such records shall be the property of the House and all members of the House shall have access thereto.

(c) House records of the committee which are at the National Archives shall be made available pursuant to House Rule VII. The chairman of the committee shall notify the ranking minority party member of any decision to withhold a record pursuant to the rule, and shall present the matter to the committee upon written request of any committee member.

(d) To the maximum extent feasible, the Committee shall make its publications available in electronic form.

(e) All committee resolutions and committee motions (other than procedural motions) adopted by the committee during a Congress shall be numbered consecutively.

RULE NO. 5.—PROXIES

No vote by any member in the committee may be cast by proxy.

RULE NO. 6.—POWER TO SIT AND ACT; SUBPOENA POWER

(a) For the purpose of carrying out any of its functions and duties under House Rules X and XI, the committee is authorized (subject to subparagraph (b)(1) of this paragraph)—

(1) to sit and act at such times and places within the United States, whether the House is in session, has recessed, or has adjourned, and to hold such hearings; and

(2) to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents; as it deems necessary.

The chairman of the committee, or any member designated by the chairman, may administer oaths of any witness.

(b)(1) A subpoena may be authorized and issued by the committee in the conduct of any investigation or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present. The power to authorize and issue subpoenas under subparagraph (a)(2) may be delegated to the chairman of the committee pursuant to such rules and under such limitations as the committee may prescribe. Authorized subpoenas shall be signed by the chairman of the committee or any member designated by the committee.

(2) Compliance with any subpoena issued by the committee may be enforced only as authorized or directed by the House.

RULE NO. 7.—QUORUMS

No measure or recommendation shall be reported to the House unless a majority of the committee is actually present. For the purposes of taking any action other than reporting any measure, issuance of a subpoena, closing meetings, promulgating committee orders, or changing the rules of the committee, the quorum shall be one-third of the members of the committee. For purposes of taking testimony and receiving evidence, two members shall constitute a quorum.

RULE NO. 8.—AMENDMENTS

Any amendment offered to any pending legislation before the committee must be made available in written form when requested by any member of the committee. If such amendment is not available in written form when requested, the Chair will allow an appropriate period of time for the provision thereof.

RULE NO. 9.—HEARING PROCEDURES

(a) The chairman, in the case of hearings to be conducted by the committee, shall make public announcement of the date, place, and subject matter of any hearing to be conducted on any measure or matter at least one (1) week before the commencement of that hearing. If the chairman of the committee, with the concurrence of the ranking minority member, determines that there is good cause to begin the hearing sooner, or if the committee so determines by majority vote, a quorum being present for the transaction of business, the chairman shall make the announcement at the earliest possible date. The clerk of the committee shall promptly notify the Daily Digest Clerk of the Congressional Record as soon as possible after such public announcement is made.

(b) Unless excused by the chairman, each witness who is to appear before the committee shall file with the clerk of the committee, at least 48 hours in advance of his or her appearance, a written statement of his or her proposed testimony and shall limit his or her oral presentation to a summary of his or her statement.

(c) When any hearing is conducted by the committee upon any measure or matter, the minority party members on the committee shall be entitled, upon request to the chairman by a majority of those minority members before the completion of such hearing, to call witnesses selected by the minority testify with respect to that measure or matter during at least one day of hearings thereon.

(d) Committee members may question a witness only when they have been recognized by the chairman for that purpose, and only for a 5-minute period until all members present have had an opportunity to question a witness. The 5-minute period for questioning a witness by any one member can be extended as provided by House Rules. The questioning of a witness in committee hearings shall be initiated by the chairman, followed by the ranking minority party member and all other members alternating between the majority and minority. In recognizing members to question witnesses in this fashion, the chairman shall take into consideration the ratio of the majority to minority members present and shall establish the order of recognition for questioning in such a manner as not to disadvantage the members of the majority. The chairman may accomplish this by recognizing two majority members for each minority member recognized.

(c) The following additional rules shall apply to hearings:

(1) The chairman at a hearing shall announce in an opening statement the subject of the investigation.

(2) A copy of the committee rules and this clause shall be made available to each witness.

(3) Witnesses at hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights.

(4) The chairman may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearings; and the committee may cite the offender to the House for contempt.

(5) If the committee determines that evidence or testimony at a hearing may tend to defame, degrade, or incriminate any person, it shall—

(A) afford such person an opportunity voluntarily to appear as a witness;

(B) receive such evidence or testimony in executive session; and

(C) receive and dispose of requests from such person to subpoena additional witnesses.

(6) Except as provided in subparagraph (f)(5), the chairman shall receive and the committee shall dispose of requests to subpoena additional witnesses.

(7) No evidence or testimony taken in executive session may be released or used in public sessions without the consent of the committee.

(8) In the discretion of the committee, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The committee is the sole judge of the pertinency of testimony and evidence adduced at its hearing.

(9) A witness may obtain a transcript copy of his testimony given at a public session or, if given at an executive session, when authorized by the committee.

RULE NO. 10.—PROCEDURES FOR REPORTING MEASURES OR MATTERS

(a)(1) It shall be the duty of the chairman of the committee to report or cause to be reported promptly to the House any measure approved by the committee and to take or cause to be taken necessary steps to bring the matter to a vote.

(2) In any event, the report of the committee on a measure which has been approved by the committee shall be filed within 7 calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the clerk of the committee a written request, signed by a majority of the members of the committee, for the reporting of that measure. Upon the filing of any such request, the clerk of the committee shall transmit immediately to the chairman of the committee notice of the filing of that request.

(b)(1) No measure or recommendation shall be reported to the House unless a majority of the committee was actually present.

(2) With respect to each record vote on a motion to report any measure or matter of a public character, and on any amendment offered to the measure or matter, the total number of votes cast for and against, and the names of those members voting for and against, shall be included in the committee report on the measure or matter.

(c) The report of the committee on a measure which has been approved by the committee shall include—

(1) the oversight findings and recommendations required pursuant to House Rule X, of clause 2(b)(1) separately set out and clearly identified;

(2) the statement required by section 308(a)(1) of the Congressional Budget Act of 1974, separately set out and clearly identified, if the measure provides new budget authority or new or increased tax expenditures;

(3) the estimate and comparison prepared by the Director of the Congressional Budget Office under section 403 of such Act, separately set out and clearly identified, whenever the Director (if timely submitted prior to the filing of the report) has submitted such estimate and comparison to the committee; and

(4) a summary of the oversight findings and recommendations made by the Committee on Government Reform under House Rule XIII, clause 3(c) separately set out and clearly identified whenever such findings and recommendations have been submitted to the committee in a timely fashion to allow an opportunity to consider such findings and recommendations during the committee's deliberations on the measure.

(d) Each report of the committee on each bill or joint resolution of a public character reported by the committee shall include a statement citing the specific powers granted to the Congress in the Constitution to enact the law proposed by the bill or joint resolution.

(e) If, at the time of approval of any measure or matter by the committee, any member of the committee gives notice of intention to file supplemental, minority, or additional views, that member shall be entitled to not less than two additional calendar days after the day of such notice, commencing on the day on which the measure or matter(s) was approved, excluding Saturdays, Sundays, and legal holidays, in which to file such views, in writing and signed by that member, with the clerk of the committee. All such views so filed by one or more members of the committee shall be included within, and shall be a part of, the report filed by the committee with respect to that measure or matter. The report of the committee upon that measure or matter shall be printed in a single volume which—

(1) shall include all supplemental, minority, or additional views which have been submitted by the time of the filing of the report, and

(2) shall bear upon its cover a recital that any such supplemental, minority, or additional views (and any material submitted under subparagraphs (c)(3) and (c)(4)) are included as part of the report. This subparagraph does not preclude—

(A) the immediate filing or printing of a committee report unless timely request for the opportunity to file supplemental, minority, or additional views has been made as provided by paragraph (c); or

(B) the filing of any supplemental report upon any measure or matter which may be required for the correction of any technical error in a previous report made by the committee upon that measure or matter.

(f) If hearings have been held on any such measure or matter so reported, the committee shall make every reasonable effort to have such hearings published and available to the members of the House prior to the consideration of such measure or matter in the House.

(g) The chairman of the committee may designate any member of the committee to act as ''floor manager'' of a bill or resolution during its consideration in the House.

RULE NO. 11.—COMMITTEE OVERSIGHT

The committee shall conduct oversight of matters within the jurisdiction of the committee in accordance with House Rule X, clause 2 and clause 4(d)(2). Not later than February 15, of the first session of a Congress, the Committee shall, in a meeting that is open to the public and with a quorum present, adopt its oversight plans for that Congress in accordance with House Rule X, clause 2(d).

RULE NO. 12.—REVIEW OF CONTINUING PROGRAMS; BUDGET ACT PROVISIONS

(a) The committee shall, in its consideration of all bills and joint resolutions of a public character within its jurisdiction, insure that appropriation for continuing programs and activities of the Federal Government and the District of Columbia government will be made annually to the maximum extent feasible and consistent with the nature, requirement, and objectives of the programs and activities involved. For the purposes of this paragraph a Government agency includes the organizational units of government listed in clause 4(e) of Rule X of House Rules.

(b) The committee shall review, from time to time, each continuing program within its jurisdictions for which appropriations are not made annually in order to ascertain whether such program could be modified so that appropriations therefor would be made annually.

(c) The committee shall, on or before February 25 of each year, submit to the Committee on the Budget (1) its views and estimates with respect to all matters to be set forth in the concurrent resolution on the budget for the ensuing fiscal year which are within its jurisdiction or functions, and (2) an estimate of the total amounts of new budget authority, and budget outlays resulting therefrom to be provided or authorized in all bills and resolutions within its jurisdiction which it intends to be effective during that fiscal year.

(d) As soon as practicable after a concurrent resolution on the budget for any fiscal year is agreed to, the committee (after consulting with the appropriate committee or committees of the Senate) shall subdivide any allocation made to it, the joint explanatory statement accompany the conference report on such resolution, and promptly report such subdivisions to the House, in the manner provided by section 302 of the Congressional budget Act of 1974.

(e) Whenever the committee is directed in a concurrent resolution on the budget to determine and recommend changes in laws, bill, or resolutions under the reconciliation process it shall promptly make such determination and recommendations, and report a reconciliation bill or resolution (or both) to the House or submit such recommendations to the Committee on the Budget, in accordance with the Congressional Budget Act of 1974.

RULE NO. 13.—BROADCASTING OF COMMITTEE HEARINGS AND MEETINGS

Whenever any hearing or meeting conducted by the committee is open to the public, those proceedings shall be open to coverage by television, radio, and still photography, as provided in Clause 4 of House Rule XI, subject to the limitations therein.

RULE NO. 14.—COMMITTEE STAFF

The staff of the Committee on House Administration shall be appointed as follows:

A. The committee staff shall be appointed, except as provided in paragraph (B), and may be removed by the chairman and shall work under the general supervision and direction of the chairman;

B. All staff provided to the minority party members of the committee shall be appointed, and may be removed, by the Ranking Minority Member of the committee, and shall work under the general supervision and direction of such Member.

C. The chairman shall fix the compensation of all staff of the committee, after consultation with the Ranking Minority Member regarding any minority party staff, within the budget approved for such purposes for the committee.

RULE NO. 15.—TRAVEL OF MEMBERS AND STAFF

(a) Consistent with the primary expense resolution and such additional expense resolutions as may have been approved, the provisions of this rule shall govern travel of committee members and staff. Travel for any member or any staff member shall be paid only upon the prior authorization of the chairman. Travel may be authorized by the chairman for any member and any staff member in connection with the attendance of hearings conducted by the committee and meetings, conferences, and investigations which involve activities or subject matter under the general jurisdiction of the committee. Before such authorization is given there shall be submitted to the chairman in writing the following:

(1) The purpose of the travel;

(2) The dates during which the travel will occur;

(3) The locations to be visited and the length of time to be spent in each;

(4) The names of members and staff seeking authorization.

(b)(1) In the case of travel outside the United States of members and staff of the committee for the purpose of conducting hearings, investigations, studies, or attending meetings and conferences involving activities or subject matter under the legislative assignment of the committee, prior authorization must be obtained from the chairman. Before such authorization is given, there shall be submitted to the chairman, in writing, a request for such authorization. Each request, which shall be filed in a manner that allows for a reasonable period of time for review before such travel is scheduled to begin, shall include the following:

(A) the purpose of the travel;

(B) the dates during which the travel will occur;

(C) the names of the countries to be visited and the length of time to be spent in each;

(D) an agenda of anticipated activities for each country for which travel is authorized together with a description of the purpose to be served and the areas of committee jurisdiction involved; and

(E) the names of members and staff for whom authorization is sought.

(2) At the conclusion of any hearing, investigation, study, meeting or conference for which travel outside the United States has been authorized pursuant to this rule, members and staff attending meetings or conferences shall submit a written report to the chairman covering the activities and other pertinent observations or information gained as a result of such travel.

(c) Members and staff of the committee performing authorized travel on official business shall be governed by applicable laws, resolutions, or regulations of the House and of the Committee on House Administration pertaining to such travel.

RULE NO. 16.—POWERS AND DUTIES OF SUBUNITS OF THE COMMITTEE

The chairman of the committee is authorized to establish appropriately named subunits, such as task forces, composed of members of the committee, for any purpose, measure or matter; one member of each such subunit shall be designated chairman of the subunit by the chairman of the committee. All such subunits shall be considered ad hoc subcommittees of the committee. The rules of the committee shall be the rules of any subunit of the committee, so far as applicable, or as otherwise directed by the chairman of the committee. Each subunit of the committee is authorized to meet, hold hearings, receive evidence, and to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents, as it deems necessary, and to report to the full committee on all measures or matters for which it was created. Chairmen of subunits of the committee shall set meeting dates with the approval of the chairman of the full committee, with a view toward avoiding simultaneous scheduling of committee and subunit meetings or hearings wherever possible. It shall be the practice of the committee that meetings of subunits not be scheduled to occur simultaneously with meetings of the full committee. In order to ensure orderly and fair assignment of hearing and meeting rooms, hearings and meetings should be arranged in advance with the chairman with the chairman through the clerk of the committee.

RULE NO. 17.—OTHER PROCEDURES AND REGULATIONS

The chairman of the full committee may establish such other procedures and take such actions as may be necessary to carry out the foregoing rules or to facilitate the effective operation of the committee.

RULE NO. 18.—DESIGNATION OF CLERK OF THE COMMITTEE

For the purposes of these rules and the Rules of the House of Representatives, the staff director of the committee shall act as the clerk of the committee.

RULES OF THE COMMITTEE ON NATIONAL SECURITY FOR THE 106TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. SPENCE) is recognized for 5 minutes.

Mr. SPENCE. Mr. Speaker, in accordance with clause 2(a) of Rule XI of the Rules of the House of Representatives, I submit herewith for publication in the CONGRESSIONAL RECORD the rules of the Committee on Armed Services that were adopted by the committee on Wednesday, January 20, 1999.

RULES OF THE COMMITTEE ON ARMED SERVICES—106th CONGRESS

RULES GOVERNING PROCEDURE

RULE 1. APPLICATION OF HOUSE RULES.—The Rules of the House of Representatives are the rules of the Committee on Armed Services (hereafter referred to in these rules as the ''Committee'') and its subcommittees so far as applicable.

RULE 2. FULL COMMITTEE MEETING DATES.—(a) The Committee shall meet every Tuesday at 10:00 a.m., and at such other times as may be fixed by the chairman of the Committee (hereafter referred to in these rules as the ''Chairman''), or by written request of members of the Committee pursuant to clause 2(c) of rule XI of the Rules of the House of Representatives.

(b) A Tuesday meeting of the Committee may be dispensed with by the Chairman, but such action may be reversed by a written request of a majority of the members of the Committee.

RULE 3. SUBCOMMITTEE MEETING DATES.—Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the Committee on all matters referred to it. Insofar as possible, meetings of the Committee and its subcommittees shall not conflict. A subcommittee chairman shall set meetings dates after consultation with the Chairman and the other subcommittee chairmen with a view toward avoiding simultaneous scheduling of committee and subcommittee meetings or hearings wherever possible.

RULE 4. SUBCOMMITTEES.—The Committee shall be organized to consist of five standing subcommittees with the following jurisdictions:

Subcommittee on Military Installations and Facilities: military construction; real estate acquisitions and disposals; housing and support; base closure; and related legislative oversight.

Subcommittee on Military Personnel: military forces and authorized strengths; integration of active and reserve components; military personnel policy; compensation and other benefits; and related legislative oversight.

Subcommittee on Military Procurement: the annual authorization for procurement of military weapon systems and components thereof, including full scale development and systems transition; military application of nuclear energy; and related legislative oversight.

Subcommittee on Military Readiness; the annual authorization for operation and maintenance; the readiness and preparedness requirements of the defense establishment; and related legislative oversight.

Subcommittee on Military Research and Development: the annual authorization for military research and development and related legislative oversight.

RULE 5. COMMITTEE PANELS.—(a) The Chairman may designate a panel of the Committee drawn from members of the Committee to inquire into and take testimony on a matter or matters that fall within the jurisdiction of more than one subcommittee and to report to the Committee.

(b) No panel so appointed shall continue in existence of more than six months. A panel so appointed may, upon the expiration of six months, be reappointed by the Chairman.

(c) No panel so appointed shall have legislative jurisdiction.

RULE 6. REFERENCE OF LEGISLATION AND SUBCOMMITTEE REPORT.—(a) The Chairman shall refer legislation and other matters to the appropriate subcommittee or to the full Committee.

(b) Legislation shall be taken up for hearing only when called by the Chairman of the Committee or subcommittee, as appropriate, or by a majority of those present and voting.

(c) The Chairman, with approval of a majority vote of a quorum of the Committee, shall have authority to discharge a subcommittee from consideration of any measure or matter referred thereto and have such measure or matter considered by the Committee.

(d) Reports and recommendations of a subcommittee may not be considered by the Committee until after the intervention of 3 calendar days from the time the report is approved by the subcommittee and available to the members of the Committee, except that this rule may be waived by a majority vote of a quorum of the Committee.

RULE 7. PUBLIC ANNOUNCEMENT OF HEARINGS AND MEETINGS.—Pursuant to clause 2(g)(3) of rule XI of the Rules of the House of Representatives, the Chairman of the Committee or of any subcommittee or panel shall make public announcement of the date, place, and subject matter of any committee or subcommittee hearing at least one week before the commencement of the hearing. However, if the Chairman of the Committee or of any subcommittee or panel, with the concurrence of the ranking minority member of the Committee or of any subcommittee or panel, determines that there is good cause to begin the hearing sooner, or if the Committee, subcommittee or panel so determines by majority vote, a quorum being present for the transaction of business, such chairman shall make the announcement at the earliest possible date. Any announcement made under this rule shall be promptly published in the Daily Digest and promptly entered into the committee scheduling service of the House Information Resources.

RULE 8. BROADCASTING OF COMMITTEE HEARINGS AND MEETINGS.—Clause 4 of rule XI of the Rules of the House of Representatives shall apply to the Committee.

RULE 9. MEETINGS AND HEARINGS OPEN TO THE PUBLIC.—(a) Each hearing and meeting for the transaction of business, including the markup of legislation, conducted by the Committee or a subcommittee shall be open to the public except when the Committee or subcommittee, in open session and with a majority being present, determines by record vote that all or part of the remainder of that hearing or meeting on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security, would compromise sensitive law enforcement information, or would violate any law or rule of the House of Representatives. Notwithstanding the requirements of the preceding sentence, a majority of those present, there being in attendance no less than two members of the Committee or subcommittee, may vote to close a hearing or meeting for the sole purpose of discussing whether testimony or evidence to be received would endanger the national security, would compromise sensitive law enforcement information, or would violate any law or rule of the House of Representatives. If the decision is to close, the vote must be by record vote and in open session, there being a majority of the Committee or subcommittee present.

(b) Whenever it is asserted that the evidence or testimony at a hearing or meeting may tend to defame, degrade, or incriminate any person, and notwithstanding the requirements of (a) and the provisions of clause 2(g)(2) of rule XI of the Rules of the House of Representatives, such evidence or testimony shall be presented in closed session, if by a majority vote of those present there being in attendance no less than two members of the Committee or subcommittee, the Committee or subcommittee determines that such evidence may tend to defame, degrade or incriminate any person. A majority of those present, there being in attendance no less than two members of the Committee or subcommittee, may also vote to close the hearing or meeting for the sole purpose discussing whether evidence or testimony to be received would tend to defame, degrade or incriminate any person. The Committee or subcommittee shall proceed to receive such testimony in open session only if the Committee or subcommittee, a majority being present, determines that such evidence or testimony will not tend to defame, degrade or incriminate any person.

(c) Notwithstanding the foregoing, and with the approval of the Chairman, each member of the Committee may designate by letter to the Chairman, a member of that member's personal staff with Top Secret security clearance to attend hearings of the Committee, or that member's subcommittee(s) which have been closed under the provisions of rule 9(a) above for national security purposes for the taking of testimony: *Provided,* That such staff member's attendance at such hearings is subject to the approval of the Committee or subcommittee as dictated by national security requirements at the time: *Provided further,* That this paragraph addresses hearings only and not briefings or meetings held under the provisions of paragraph (a) of this rule; *And provided further,* That the attainment of any security clearances involved is the responsibility of individual members.

(d) Pursuant to clause 2(g)(2) of rule XI of the Rules of the House of Representatives, no Member may be excluded from nonparticipatory attendance at any hearing of the Committee or a subcommittee, unless the House of Representatives shall by majority vote authorize the Committee or subcommittee, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close its hearings to members by the same procedures designated in this rule for closing hearings to the public: *Provided, however,* That the Committee or the subcommittee may by the same procedure vote to close up to 5 additional consecutive days of hearings.

RULE 10. QUORUM.—(a) For purposes of taking testimony and receiving evidence, two members shall constitute a quorum.

(b) One-third of the members of the Committee or subcommittee shall constitute a quorum for taking any action, with the following exceptions, in which case a majority of the Committee or subcommittee shall constitute a quorum:

(1) Reporting a measure or recommendation;

(2) Closing committee or subcommittee meetings and hearings to the public; and

(3) Authorizing the issuance of subpoenas.

(c) No measure or recommendation shall be reported to the House of Representatives unless a majority of the Committee is actually present.

RULE 11. THE FIVE-MINUTE RULE.—(a) The time any one member may address the Committee or subcommittee on any measure or matter under consideration shall not exceed 5-minutes and then only when the member has been recognized by the Committee or subcommittee chairman, as appropriate, except that this time limit may be exceeded by unanimous consent. Any member, upon request, shall be recognized for not to exceed 5-minutes to address the Committee or subcommittee on behalf of an amendment which the member has offered to any pending bill or resolution. The 5 minute limitation shall not apply to the Chairman and ranking minority member of the Committee or subcommittee.

(b) Members present at a hearing of the Committee or subcommittee when a hearing is originally convened will be recognized by the Committee or subcommittee chairman, as appropriate, in order of seniority. Those members arriving subsequently will be recognized in order of their arrival. Notwithstanding the foregoing, the Chairman and the ranking minority member will take precedence upon their arrival. In recognizing members to question witnesses in this fashion, the Chairman shall take into consideration the ratio of the majority to minority members present and shall establish the order of recognition for questioning in such a manner as not to disadvantage the members of the majority.

(c) No person other than Members of Congress and committee staff may be seated in or behind the dais area during Committee, subcommittee or panel hearings and meetings.

RULE 12. SUBPOENA AUTHORITY.—(a) For the purpose of carrying out any of its functions

and duties under rules X and XI of the Rules of the House of Representatives, the Committee and any subcommittee is authorized (subject to subparagraph (b)(1) of this paragraph):

(1) to sit and act at such times and places within the United States, whether the House is in session, has recessed, or has adjourned, and to hold hearings, and

(2) to require by subpoena, or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers and documents as it deems necessary. The Chairman of the Committee, or any member designated by the Chairman, may administer oaths to any witness.

(b)(1) A subpoena may be authorized and issued by the Committee, or any subcommittee with the concurrence of the full Committee Chairman, under subparagraph (a)(2) in the conduct of any investigation, or series of investigations or activities, only when authorized by a majority of the members voting, a majority of the Committee or subcommittee being present. Authorized subpoenas shall be signed only by the Chairman, or by any member designated by the Chairman.

(2) Pursuant to clause 2(m) of rule XI of the Rules of the House of Representatives, compliance with any subpoena issued by the Committee or any subcommittee under subparagraph (a)(2) may be enforced only as authorized or directed by the House.

RULE 13. WITNESS STATEMENTS.—(a) Any prepared statement to be presented by a witness to the Committee or a subcommittee shall be submitted to the Committee or subcommittee at least 48 hours in advance of presentation and shall be distributed to all members of the Committee or subcommittee at last 24 hours in advance of presentation. A copy of any such prepared statement shall also be submitted to the Committee in electronic form. If a prepared statement contains security information bearing a classification of secret or higher, the statement shall be made available in the Committee rooms to all members of the Committee or subcommittee at least 24 hours in advance of presentation; however, so such statement shall be removed from the Committee offices. The requirement of this rule may be waived by a majority vote of a quorum of the Committee or subcommittee, as appropriate.

(b) The Committee and each subcommittee shall require each witness who is to appear before it to file with the Committee in advance of his or her appearance a written statement of the proposed testimony and to limit the oral presentation at such appearance to a brief summary of his or her agreement.

Rule 14. Administering Oaths to Witnesses.—(a) The Chairman, or any member designated by the Chairman, may administer oaths to any witness.

(b) Witnesses, when sworn, shall subscribe to the following oath:

Do you solemnly swear (or affirm) that the testimony you will give before this Committee (or subcommittee) in the matters now under consideration will be the truth, the whole truth, and nothing but the truth, so help you God?

Rule 15. Questioning of Witnesses.—(a) When a witness is before the Committee or a subcommittee, members of the Committee or subcommittee may put questions to the witness only when they have been recognized by the Chairman or subcommittee chairman, as appropriate, for that purpose.

(b) Members of the Committee or subcommittee who so desire shall have not to exceed 5 minutes to interrogate each witness until such time as each member has had an opportunity to interrogate such witness; thereafter, additional rounds for questioning witnesses by members are discretionary with the Chairman or subcommittee chairman, as appropriate.

(c) Questions put to witnesses before the Committee or subcommittee shall be pertinent to the measure or matter that may be before the Committee or subcommittee for consideration.

Rule 16. Publication of Committee Hearings and Markups.—The transcripts of those hearings and mark-ups conducted by the Committee or a subcommittee which are decided by the Chairman to be officially published will be published in verbatim form, with the material requested for the record inserted at the place requested, or at the end of the record, as appropriate. Any requests to correct any errors, other than those in transcription, or disputed errors in transcription, will be appended to the record, and the appropriate place where the change is requested will be footnoted.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. TERRY) to revise and extend their remarks and include extraneous material:)

Mr. TANCREDO, for 5 minutes, on February 10.

Mr. PAUL, for 5 minutes, on February 9.

ADJOURNMENT

Mr. TERRY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 15 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, February 9, 1999, at 12:30 p.m., for morning hour debates.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports and amended reports concerning the foreign currencies and U.S. dollars utilized for official foreign travel during the third and fourth quarters of 1998 by Committees of the House of Representatives, as well as consolidated report of foreign currencies and U.S. dollars utilized for speaker-authorized official travel during third quarter of 1998, pursuant to Public Law 95–384, are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, SELECT COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 31, 1998

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Diane Roark	8/14	8/19	Asia		267.27						267.27
Commercial airfare							1,183.74				1,183.74
Patrick Murray	8/18	8/23	Europe		1,928.00						1,928.00
Commercial airfare							5,251.57				5,251.57
Merrell Morehead	8/18	8/23	Europe		1,928.00						1,928.00
Commercial airfare							5,251.57				5,251.57
William McFarland	8/18	8/23	Europe		1,928.00						1,928.00
Commercial airfare							5,251.57				5,251.57
Catherine Eberwein	8/20	8/31	Europe		2,916.00						2,916.00
Commercial airfare							4,838.86				4,838.86
Elizabeth Larson	8/24	9/4	Europe		3,062.00						3,062.00
Commercial airfare							6,329.15				6,329.15
Committee total					12,029.27		28,106.46				40,135,73

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

PORTER J. GOSS, Chairman, Nov. 12, 1998.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1998

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]

FOR HOUSE COMMITTEES

Please note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BOB SMITH, Chairman, Jan. 28, 1999.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN SEPT. 30, AND DEC. 31, 1998

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Timothy Peterson	10/22	10/26	Canada		422.50						422.50
Commercial airfare							835.15				835.15
James W. Dyer	11/2	11/4	Czech Republic		464.00						464.00
	11/4	11/6	Switzerland		858.00						858.00
Commercial airfare							5,432.86				5,432.86
Valerie L. Baldwin	11/2	11/4	Czech Republic		464.00						464.00
	11/4	11/6	Switzerland		858.00						858.00
	11/6	11/8	Italy		578.00						578.00
Commercial airfare							5,941.86				5,941.86
John Shank	11/2	11/4	United Kingdom		630.00						630.00
	11/4	11/6	Switzerland		572.00						572.00
	11/6	11/10	Italy		1,445.00						1,445.00
Commercial airfare							6,253.50				6,253.50
John J. Ziolkowski	11/7	11/11	Italy		1,017.00						1,017.00
Commercial airfare							5,127.17				5,127.17
James T. Walsh	11/29	12/2	India		867.00						867.00
	12/2	12/7	Nepal		1,344.00						1,344.00
Commercial airfare							2,307.00				2,307.00
Committee total					9,519.50		25,897.54				35,417.04
Committee on Appropriations, Surveys and Investigations Staff:											
T.J. Booth	11/6	11/10	Bahrain		632.50		5,569.84		251.21		6,453.55
	11/10	11/11	United Arab Emirates		228.00						228.00
	11/11	11/14	Saudi Arabia		711.25						711.25
	11/14	11/16	Bahrain		392.00						392.00
N.H. Gardner	12/3	12/5	China		717.50		9,341.54		23.44		10,082.48
	12/6	12/10	Australia		695.50						695.50
	12/11	12/11	Japan		184.50						184.50
M.O. Glynn	11/13	11/18	Italy		1,141.25		5,747.02		122.00		7,010.27
	11/18	11/20	Turkey		236.25						236.25
	11/20	11/21	The Netherlands		231.00						231.00
R.D. Green	11/7	11/21	Germany		2,549.75		5,242.89		26.40		7,819.04
C.L. Hauver	12/3	12/5	China		717.50		9,341.54		73.57		10,132.61
	12/6	12/10	Australia		695.50						695.50
	12/11	12/11	Japan		184.50						184.50
W.C. Hersman	11/7	11/18	Italy		2,052.00		5,636.97		32.00		7,720.97
	11/18	11/20	Turkey		236.25						236.25
	11/20	11/21	The Netherlands		231.00						231.00
T.E. Hobbs	11/13	11/18	Italy		1,058.75		5,494.74		42.88		6,596.37
R.A. Jaxel	11/7	11/18	Italy		2,052.00		5,636.97		102.95		7,791.92
	11/18	11/20	Turkey		236.25						236.25
	11/20	11/21	The Netherlands		231.00						231.00
D.K. Lutz	11/6	11/10	Bahrain		632.50		5,931.84		218.01		6,782.35
	11/10	11/11	United Arab Emirates		228.00						228.00
	11/11	11/14	Saudi Arabia		711.25						711.25
	11/14	11/16	Bahrain		441.00						441.00
H.P. McDonald	12/3	12/5	China		717.50		9,341.54		130.64		10,189.68
	12/6	12/10	Australia		695.50						695.50
	12/11	12/11	Japan		184.50						184.50
R.H. Pearre	11/7	11/15	Italy		1,342.25		5,227.15		132.79		6,702.19
R.J. Reitwiesner	11/6	11/10	Bahrain		632.50		5,569.84		230.21		6,432.55
	11/10	11/11	United Arab Emirates		228.00						228.00
	11/11	11/14	Saudi Arabia		711.25						711.25
	11/14	11/16	Bahrain		392.00						392.00
F.R. Stevens	11/7	11/21	Germany		2,807.50		5,496.84		195.20		8,499.54
R.W. Vandergrift	12/3	12/5	China		717.50		9,341.54		281.06		10,340.10
	12/6	12/10	Australia		695.50						695.50
	12/11	12/11	Japan		184.50						184.50
T.P. Wyman	12/3	12/5	China		717.50		9,341.54		247.12		10,306.16
	12/6	12/10	Australia		695.50						695.50
	12/11	12/11	Japan		184.50						184.50
Committee total					28,330.00		102,261.80		2,109.48		132,704.28

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BILL YOUNG, Chairman, Jan. 28, 1999.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON BANKING AND FINANCIAL SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1998

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Ellen Kuo	11/29	12/4	Brazil		1,453.00		1,990.00				3,443.00
Committee total					1,453.00		1,990.00				3,443.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JIM LEACH, Chairman, Jan. 28, 1999.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE BUDGET, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1998

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]

FOR HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JOHN R. KASICH, Chairman, Jan. 28, 1999.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON COMMERCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1998

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Peter Deutsch	12/11	12/15	Israel				2,648.00				2,648.00
Committee total							2,648.00				2,648.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

TOM BLILEY, Chairman, Jan. 19, 1999.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON EDUCATION AND THE WORKFORCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1, AND DEC. 31, 1998

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]

FOR HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BILL GOODLING, Chairman, Feb. 1, 1999.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON HOUSE ADMINISTRATION, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1998

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]

FOR HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BILL THOMAS, Chairman, Feb. 1, 1999.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON NATIONAL SECURITY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1998

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Visit to Ukraine and Russia, Nov. 7–13, 1998:											
Mr. David J. Trachtenberg	11/7	11/10	Ukraine		1,140.00						1,140.00
	11/10	11/13	Russia		873.00						873.00
Commercial airfare							5,333.07				5,333.07
Visit to Korea, Nov. 18–21, 1998:											
Hon. Gene Taylor	11/18	11/21	Korea		786.00						786.00
Commercial airfare							3,736.00				3,736.00
Mr. Dudley L. Tademy	11/18	11/21	Korea		786.00						786.00
Commercial airfare							3,736.00				3,736.00
Visit to Nicaragua and Honduras, Nov. 29–Dec. 1, 1998:											
Hon. Solomon P. Ortiz	11/29	12/1	Nicaragua		440.21						440.21
	12/1	12/1	Honduras								
Visit to Germany, Nov. 30–Dec. 5, 1998:											
Ms. Mieke Y. Eoyang	11/30	12/5	Germany		1,250.00						1,250.00
Commercial airfare							3,839.55				3,839.55
Visit to the United Kingdom, Belgium, Russia and Czech Republic, Nov. 30–Dec. 10, 1998:											
Hon. Ike Skelton	11/30	12/2	United Kingdom		730.00						730.00
	12/2	12/4	Belgium		458.00						458.00
	12/4	12/8	Russia		1,498.00						1,498.00
	12/8	12/10	Czech Republic		564.00						564.00
Hon. Neil Abercrombie	11/30	12/2	United Kingdom		730.00						730.00
	12/2	12/4	Belgium		458.00						458.00
	12/4	12/8	Russia		1,498.00						1,498.00
	12/8	12/10	Czech Republic		564.00						564.00
Hon. Loretta Sanchez	11/30	12/2	United Kingdom		730.00						730.00
	12/2	12/4	Belgium		458.00						458.00
	12/4	12/8	Russia		1,498.00						1,498.00
	12/8	12/10	Czech Republic		564.00						564.00
Hon. Adam Smith	11/30	12/2	United Kingdom		730.00						730.00
	12/2	12/4	Belgium		458.00						458.00
	12/4	12/8	Russia		1,498.00						1,498.00
	12/8	12/10	Czech Republic		564.00						564.00
Hon. Vic Snyder	11/30	12/2	United Kingdom		730.00						730.00
	12/2	12/4	Belgium		458.00						458.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON NATIONAL SECURITY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1998—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	12/4	12/8	Russia		1,498.00						1,498.00
	12/8	12/10	Czech Republic		564.00						564.00
Thomas P. Glakas	11/30	12/2	United Kingdom		730.00						730.00
	12/2	12/4	Belgium		458.00						458.00
	12/4	12/8	Russia		1,498.00						1,498.00
	12/8	12/10	Czech Republic		564.00						564.00
Dudley L. Tademy	11/30	12/2	United Kingdom		730.00						730.00
	12/2	12/4	Belgium		458.00						458.00
	12/4	12/8	Russia		1,498.00						1,498.00
	12/8	12/10	Czech Republic		564.00						564.00
Visit to Panama, Dec. 6–8, 1998:											
Mr. Christain P. Zur	12/6	12/8	Panama		243.00						243.00
Commercial airfare							1,126.50				1,126.50
Visit to Belgium, Germany, Bosnia and Macedonia, Dec. 10–15, 1998:											
Hon. Ellen O. Tauscher	12/10	12/10	Belgium								
	12/10	12/11	Germany		113.00						113.00
	12/11	12/14	Bosnia		1,053.00						1,053.00
	12/14	12/15	Macedonia		175.00						175.00
Commercial airfare							4,693.93				4,693.93
Mr. William H. Natter	12/10	12/10	Belgium								
	12/10	12/11	Germany		113.00						113.00
	12/11	12/14	Bosnia		1,053.00						1,053.00
	12/14	12/15	Macedonia		175.00						175.00
Commercial airfare							4,693.93				4,693.93
Committee total					30,950.21		27,158.98				58,109.19

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

FLOYD SPENCE, Chairman, Jan. 29, 1999.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RULES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1998

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. David Dreier	12/3	12/7	New Zealand		865.000		([3])				865.00
	12/7	12/12	Australia		774.00		([3])				774.00
Hon. Tony P. Hall	11/7	11/15	S. Korea, N. Korea, Japan		1,492.00		5,716.00				7,208.00
Committee total					3,131.00		5,716.00				8,847.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

JERRY SOLOMON, Chairman, Dec. 31, 1998.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1998

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Phil Kiko	11/13	11/17	New Zealand		1,070.00		1,936.00				3,006.00
	11/17	11/21	Antarctica								
	11/21	11/22	New Zealand								
William Stiles	11/14	11/17	New Zealand		875.00		2,394.67				3,269.67
	11/17	11/21	Antarctica								
	11/21	12/01	New Zealand								
Steve Eule	11/14	11/17	New Zealand		875.00		2,376.00				3,251.00
	11/17	11/21	Antarctica								
	11/21	11/22	New Zealand								
Hon. George E. Brown, Jr	12/5	12/13	Mexico		1,919.00		515.90				2,434.90
Michael Quear	12/5	12/13	Mexico		1,919.00		551.70				2,470.70
Myndii Gottlieb	12/6	12/12	Mexico		1,422.00		713.94				2,135.94
Committee total					8,080.00		8,488.21				16,568.21

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JAMES SENSENBRENNER, JR., Chairman, Dec. 21, 1998.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SMALL BUSINESS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1998

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]

FOR HOUSE COMMITTEES

Please note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JIM TALENT, Chairman, Feb. 2, 1999.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1998

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Philip Crane	12/3	12/7	New Zealand		865.00		(3)				865.00
	12/7	12/12	Australia		774.00		(3)				774.00
Hon. Wally Herger	12/3	12/7	New Zealand		865.00		(3)				865.00
	12/7	12/12	Australia		774.00		(3)				774.00
Hon. Nancy L. Johnson	12/3	12/7	New Zealand		865.00		(3)				865.00
	12/7	12/12	Australia		774.00		(3)				774.00
Hon. Jennifer Dunn	12/3	12/7	New Zealand		865.00		(3)				865.00
	12/7	12/12	Australia		774.00		(3)				774.00
Hon. Karen Thurman	12/3	12/7	New Zealand		865.00		(3)				865.00
	12/7	12/12	Australia		774.00		(3)				774.00
Hon. Chris Smith	12/3	12/7	New Zealand		865.00		(3)				865.00
	12/7	12/12	Australia		774.00		(3)				774.00
Meredith Broadbent	12/3	12/7	New Zealand		865.00		(3)				865.00
	12/7	12/12	Australia		774.00		(3)				774.00
Angela Ellard	12/3	12/7	New Zealand		865.00		(3)				865.00
	12/7	12/12	Australia		774.00		(3)				774.00
Karen Humbel	12/3	12/7	New Zealand		865.00		(3)				865.00
	12/7	12/12	Australia		774.00		(3)				774.00
Donna Thiessen	12/3	12/7	New Zealand		865.00		(3)				865.00
	12/7	12/12	Australia		774.00		(3)				774.00
CODE expense	12/7	12/12	Australia				8,434.00				8,434.00
	12/7	12/12	Australia						15,414.00		15,414.00
Committee total					16,390.00		8,434.00		15,414.00		40,238.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

BILL ARCHER, Chairman, Jan. 28, 1999.

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HOUSE DELEGATION TO THE NORTH ATLANTIC ASSEMBLY AND BRITISH-AMERICAN PARLIAMENTARY GROUP, EXPENDED BETWEEN NOV. 8 AND NOV. 15, 1998

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Doug Bereuter	11/8	11/13	Scotland		1,810.00						
	11/13	11/16	England		1,095.00						2,905.00
Hon. Tim Bliley	11/8	11/13	Scotland		1,810.00						
	11/13	11/15	England		730.00						2,540.00
Hon. Sherwood Boehlert	11/8	11/13	Scotland		1,810.00						
	11/13	11/16	England		1,095.00						2,905.00
Hon. Roy Blunt	11/10	11/13	Scotland		1,086.00						
	11/13	11/16	England		1,095.00						2,181.00
Hon. Herb Bateman	11/10	11/13	Scotland		1,086.00						
	11/13	11/16	England		1,095.00						2,181.00
Hon. Vernon Ehlers	11/10	11/13	Scotland		1,086.00						
	11/13	11/16	England		1,095.00						2,181.00
Hon. Joel Hefley	11/10	11/13	Scotland		1,086.00						
	11/13	11/16	England		1,095.00						2,181.00
Hon. Paul Gillmor	11/10	11/13	Scotland		1,086.00						
	11/13	11/16	England		1,095.00						2,181.00
Hon. Scott McGinnis	11/10	11/13	Scotland		1,086.00						
	11/13	11/16	England		1,095.00						2,181.00
Hon. Owen Pickett	11/10	11/13	Scotland		1,086.00						
	11/13	11/15	England		730.00						1,816.00
Hon. Ralph Regula	11/10	11/13	Scotland		1,086.00						
	11/13	11/16	England		1,095.00						2,181.00
Hon. Marge Roukema	11/10	11/13	Scotland		1,086.00						
	11/13	11/16	England		1,095.00						2,181.00
Hon. Floyd Spence	11/10	11/13	Scotland		1,086.00						
	11/13	11/16	England		1,095.00						2,181.00
Hon. John Tanner	11/10	11/13	Scotland		1,086.00						
	11/13	11/15	England		730.00						1,816.00
Hon. Robert Wise	11/10	11/13	Scotland		1,086.00						
	11/13	11/15	England		730.00						1,816.00
Susan Olson	11/8	11/13	Scotland		1,810.00						
	11/13	11/16	England		1,095.00						2,905.00
Jo Weber	11/8	11/12	Scotland		1,448.00						
	11/12	11/16	England		1,460.00						2,908.00
Mike Ennis	11/10	11/14	Scotland		1,448.00						1,448.00
Robin Evans	11/10	11/13	Scotland		1,086.00						
	11/13	11/16	England		1,095.00						2,181.00
Linda Pedigo	11/10	11/14	Scotland		1,448.00						1,448.00
David Goldston	11/10	11/13	Scotland		1,086.00						1,086.00
Bob King	11/10	11/14	Scotland		1,448.00						1,448.00
Brent Parker	11/12	11/16	England		1,460.00						1,460.00
Total					48,311.00						48,311.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DOUG BEREUTER, Jan. 5, 1999.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HOUSE DELEGATION TO ARGENTINA, EXPENDED BETWEEN NOV. 1 AND NOV. 16, 1998

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Joe Barton	11/10	11/13	Argentina		479.00		1,606.50				2,085.50
Hon. Ken Calvert	11/8	11/13	Argentina		753.00		4,555.50				5,308.50
Hon. John Dingell	11/10	11/12	Argentina		237.00		3,893.50				4,130.50
Hon. Jo Ann Emerson	11/6	11/13	Argentina		753.00		4,124.50				4,877.50
Hon. Ron Klink	11/10	11/13	Argentina		479.00		1,449.50				1,928.50
Hon. Joe Knollenberg	11/8	11/15	Argentina		753.00		4,047.50				4,800.50
Hon. Dennis Kucinich	11/7	11/13	Argentina		890.00		2,292.50				3,182.50

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HOUSE DELEGATION TO ARGENTINA, EXPENDED BETWEEN NOV. 1 AND NOV. 16, 1998—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. F. James Sensenbrenner	11/7	11/13	Argentina		890.00		4,367.50				5,257.50
Hon. Peter DeFazio	11/10	11/14	Argentina		479.00		5,843.50				6,322.50
Alssondra Campaigne	11/9	11/14	Argentina		616.00		1,605.50				2,221.50
Robert Hood	11/10	11/14	Argentina		479.00		4,319.50				4,798.50
Dennis Fitzgibbons	11/9	11/13	Argentina		616.00		4,367.50				4,983.50
Mark Kirk	11/10	11/14	Argentina		616.00		7,923.50				8,539.50
Kyle Mulhall	11/8	11/13	Argentina		616.00		1,217.50				1,833.50
Todd Schultz	11/7	11/13	Argentina		890.00		4,367.50				5,257.50
Catherine VanWay	11/7	11/16	Argentina		890.00		4,124.50				5,014.50
Harlan Watson	11/1	11/14	Argentina		1,986.00		4,367.50				6,353.50
Total					12,422.00		64,473.00				76,895.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JAMES SENSENBRENNER, JR., Dec. 10, 1998.

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HOUSE DELEGATION TO ARGENTINA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 1 AND NOV. 16, 1998

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Joe Barton	11/10	11/13	Argentina		479.00		1,606.50				2,085.50
Hon. Ken Calvert	11/8	11/13	Argentina		753.00		4,555.50				5,308.50
Hon. Jo Ann Emerson	11/6	11/13	Argentina		753.00		4,124.50				4,877.50
Hon. Ron Klink	11/10	11/13	Argentina		479.00		1,449.50				1,928.50
Hon. Joe Knollenberg	11/8	11/15	Argentina		753.00		4,047.50				4,800.50
Hon. Dennis Kucinich	11/7	11/13	Argentina		890.00		2,292.50				3,182.50
Hon. F. James Sensenbrenner	11/7	11/13	Argentina		890.00		4,367.50				5,257.50
Hon. Peter DeFazio	11/10	11/14	Argentina		479.00		5,843.50				6,322.50
Alssondra Campaigne	11/9	11/14	Argentina		616.00		1,605.00				2,221.00
Robert Hood	11/10	11/14	Argentina		479.00		4,319.50				4,798.50
Dennis Fitzgibbons	11/9	11/13	Argentina		616.00		4,367.50				4,983.50
Mark Kirk	11/10	11/14	Argentina		616.00		7,923.50				8,539.50
Kyle Mulhall	11/8	11/13	Argentina		616.00		1,217.50				1,833.50
Todd Schultz	11/7	11/13	Argentina		890.00		4,367.50				5,257.50
Catherine VanWay	11/7	11/16	Argentina		890.00		4,124.50				5,014.50
Harlan Watson	11/1	11/14	Argentina		1,986.00		4,367.50				6,353.50
Total					12,185.00		60,579.50				72,764.50

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JAMES SENSENBRENNER, JR., Dec. 10, 1998.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HOUSE DELEGATION TO LEBANON, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 21 AND NOV. 25, 1998

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Ray LaHood	11/22	11/25	Lebanon		250.00		(3)				250.00
Hon. Nick Rahall	11/22	11/25	Lebanon		250.00		(3)				250.00
Diane Liesman	11/22	11/25	Lebanon		250.00		(3)				250.00
Total					750.00						750.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

RAY LAHOOD, Dec. 16, 1998.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, TRAVEL TO SOUTH KOREA, NORTH KOREA, AND JAPAN, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 5 AND NOV. 15, 1998

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Deborah DeYoung	11/6	11/15	South Korea, North Korea, Japan		1,492.00		5,581.00				7,073.00
Total					1,492.00		5,581.00				7,073.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

TONY P. HALL, Dec. 18, 1998.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, TRAVEL TO RUSSIA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 8 AND NOV. 12, 1998

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Kristan Mack	11/9	11/12	Russia		965.00		135.00				1,100.00
Total					965.00		135.00				1,100.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

KRISTAN MACK, Dec. 8, 1998.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL TO NICARAGUA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 29 AND DEC. 1, 1998

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Solomon Ortiz	11/29	12/1	Nicaragua		187.50						187.50
Total					187.50						187.50

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

CASS BALLENGER, Dec. 10, 1998.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, TRAVEL TO KUWAIT, TAIWAN, AND THE PHILIPPINES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 30 AND DEC. 11, 1998

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Albert Santoci	11/30	12/2	Kuwait		676.00						676.00
	12/2	12/5	Taiwan		1,180.00						1,180.00
	12/5	12/11	Philippines		804.00						804.00
Total					2,660.00						2,660.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

ALBERT M. SANTOCI, Jan. 10, 1999.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

360. A letter from the Administrator, Food and Nutrition Service, Department of Agriculture, transmitting the Department's final rule—FOOD DISTRIBUTION PROGRAMS: FDPIHO—Oklahoma Waiver Authority (RIN: 0584–AB56) received January 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

361. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Azoxystrobin; Pesticide Tolerances for Emergency Exemptions [OPP–300772; FRL–6050–6] (RIN: 2070–AB78) received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

362. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Fenbuconazole; Pesticide Tolerances for Emergency Exemptions [OPP–300776; FRL–6054–3] (RIN: 2070–AB78) received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

363. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Lambda-cyhalothrin; Pesticide Tolerances for Emergency Exemptions [OPP–300780; FRL–6056–2] (RIN: 2070–AB78) received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

364. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Rescission of Cryolite Tolerance Revocations; Final Rule, Delay of Effective Date [OPP–300788; FRL–6058–7] (RIN: 2070–AB78) received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

365. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Revocation of Tolerances for Canceled Food Uses; Correction [OPP–300733A; FRL–6043–7] (RIN: 2070–AB78) received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

366. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Partial Withdrawal of Cryolite Tolerance Revocations [OPP–300788; FRL–6058–7] (RIN: 2070–AB78) received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

367. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Diflufenzopyr; Pesticide Tolerance [OPP–300778; FRL 6053–8] (RIN: 2070–AB78) received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

368. A communication from the President of the United States, transmitting the District of Columbia Courts' FY 2000 Budget request; (H. Doc. No. 106—17); to the Committee on Appropriations and ordered to be printed.

369. A letter from the Acting Assistant General Counsel for Regulations, Department of Education, transmitting the Department's final rule—Jacob K. Javits Fellowship Program—received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

370. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Hazardous Waste Treatment, Storage, and Disposal Facilities and Hazardous Waste Generators; Organic Air Emission Standards for Tanks, Surface Impoundments, and Containers [IL–64–2–5807; FRL–6221–9] (RIN: 2060–AG44) received January 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

371. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Designation of Areas for Air Quality Planning Purposes [MO 043–1043(a); FRL–6220–1] received January 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

372. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Final Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Bay Area Air Quality Management District [CA 102–0120; FRL–6220–2] received January 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

373. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Texas; Reasonably Available Control Technology for Emissions of Volatile Organic Compounds (VOC) [TX86–1–7351a; FRL–6207–4] received January 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

374. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Final Exclusion [SW-FRL–6219–2] received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

375. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants from Secondary Lead Smelting [AD-FRL–6227–5] (RIN: 2060–AE04) received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

376. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Colorado; Revision to Regulation No. 7, Section III, General Requirements for Storage and Transfer of Volatile Organic Compounds [CO–001–0019a; FRL–6216–6] received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

377. A letter from the Director, Office of Regulatory Management and Information,

Environmental Protection Agency, transmitting the Agency's final rule—Subtitle D Regulated Facilities; State Permit Program Determination of Adequacy; State Implementation Rule—Amendments and Technical Corrections [FRL–6223–8] (RIN: 2050–AD03) received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

378. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Nevada: Final Authorization of State Hazardous Waste Management Program Revision [FRL–6226–1] received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

379. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval of Section 112(1) Authority for Hazardous Air Pollutants; Perchloroethylene Air Emission Standards for Dry Cleaning Facilities; State of California; Yolo-Solano Air Quality Management District [FRL–6222–7] received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

380. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Texas; Multiple Air Contaminant Sources or Properties [TX–71–1–7311a; FRL–6222–1] received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

381. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Protection of Stratospheric Ozone: Listing MT–31 as an Unacceptable Refrigerant Under EPA's Significant New Alternatives Policy (SNAP) Program [FRL–6224–6] (RIN: 2060–AG12) received January 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

382. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Protection of Stratospheric Ozone: Listing Hexafluoropropylene (HFP) and HFP-Containing Blends as Unacceptable Refrigerants Under EPA's Significant New Alternatives Policy (SNAP) Program [FRL–6224–7] (RIN: 2060–AG12) received January 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

383. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Final Exclusion [SW-FRL–6223–5] received January 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

384. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Maryland; Control of VOCs from the Manufacture of Explosives and Propellant [MD079–3035a; FRL–6218–2] received January 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

385. A communication from the President of the United States, transmitting a report to Congress of ongoing efforts to achieve sustainable peace in Bosnia and Herzegovina (BiH); (H. Doc. No. 106—18); to the Committee on International Relations and ordered to be printed.

386. A letter from the Director, Defense Security Cooperation Agency, transmitting reports containing the 30 September 1998 status of loans and guarantees issued under the Arms Export Control Act; to the Committee on International Relations.

387. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. ACT 12–458, ''Uniform Prudent Investor Act of 1998'' received January 27, 1999, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

388. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. ACT 12–457, ''Metropolitan African Methodist Episcopal Church Equitable Real Property Tax Relief Act of 1998'' received January 27, 1999, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

389. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. ACT 12–467, ''Cathedral Way Symbolic Designation Act of 1998'' received January 27, 1999, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

390. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. ACT 12–456, ''Mount Calvary Holy Evangelistic Church Equitable Real Property Tax Relief Act of 1998'' received January 27, 1999, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

391. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. ACT 12–465, ''Department of Human Services and Commission on Mental Health Services Mandatory Employee Drug and Alcohol Testing Temporary Amendment Act of 1998'' received January 27, 1999, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

392. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. ACT 12–419, ''Office of the Inspector General Law Enforcement Powers Temporary Amendment Act of 1998'' received January 27, 1999, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

393. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. ACT 12–420, ''Drug-Related Nuisance Abatement Temporary Act of 1998'' received January 27, 1999, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

394. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. ACT 12–426, ''Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Second Temporary Act of 1998'' received January 27, 1999, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

395. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. ACT 12–422, ''Board of Elections and Ethics Subpoena Authority Temporary Amendment Act of 1998'' received January 27, 1999, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

396. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. ACT 12–418, ''Arson Investigators Amendment Act of 1998'' received January 27, 1999, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

397. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. ACT 12–455, ''Historic Motor Vehicle Vintage License Plate Amendment Act of 1998'' received January 27, 1999, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

398. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. ACT 12–454, ''Adult Education Designation Temporary Amendment Act of 1998'' received January 27, 1999, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

399. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. ACT 12–434, ''Vendor Payment and Drug Abuse, Alcohol Abuse, and Mental Illness Coverage Temporary Act of 1998'' received January 27, 1999, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

400. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. ACT 12–453, ''Public School Nurse Assignment Temporary Amendment Act of 1998'' received January 27, 1999, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

401. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. ACT 12–421, ''Oyster Elementary School Construction and Revenue BOND Act of 1998'' received January 27, 1999, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

402. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. ACT 12–399, ''Fiscal Year 1999 Budget Support Act of 1998'' received January 27, 1999, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

403. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. ACT 12–460, ''Closing of a Public Alley in Square 457, S.O. 90–364 Act of 1998'' received January 27, 1999, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

404. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. ACT 12–459, ''Mutual Holding Company Mergers and Acquisition Amendment Act of 1998'' received January 27, 1999, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

405. A letter from the Comptroller General, transmitting List of all reports issued or released by the GAO in December 1998, pursuant to 31 U.S.C. 719(h); to the Committee on Government Reform.

406. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. ACT 12–461, ''Office of the Inspector General Law Enforcement Powers Amendment Act of 1998'' received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

407. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Acquisition Regulation: Administrative Amendments [FRL–6222–5] received January 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

408. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule— Marine Mammals; Incidental Take During Specified Activities (RIN: 1018–AF02) received January 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

409. A letter from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Tuna Fisheries; Atlantic Bluefin Tuna [I.D. 122198B] received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

410. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model MD–11 Series Airplanes [Docket No. 98–NM–348–AD; Amendment 39–10937; AD 98–25–11] (RIN: 2120–AA64) received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

411. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 727 Series Airplanes Modified in Accordance with Supplemental Type Certificate ST00015AT [Docket No. 97–NM–80–AD; Amendment 39–10963; AD 98–26–20] (RIN: 2120–AA64) received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

412. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 727 Series Airplanes Modified in Accordance with Supplemental Type Certificate SA1444SO, SA1509SO, SA1543SO, SA1896SO, SA1740SO, or SA1667SO [Docket No. 97–NM–81–AD; Amendment 39–10964; AD 98–26–21] (RIN: 2120–AA64) received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

413. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 727 Series Airplanes Modified in Accordance with Supplemental Type Certificate SA1767SO, SA1768SO, or SA7447SW [Docket No. 97–NM–09–AD; Amendment 39–10961; AD 98–26–18] (RIN: 2120–AA64) received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

414. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 727 Series Airplanes Modified in Accordance with Supplemental Type Certificate SA1368SO, SA1797SO, or SA1798SO [Docket No. 97–NM–79–AD; Amendment 39–10962; AD 98–26–19] (RIN: 2120–AA64) received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

415. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Whole Effluent Toxicity: Guidelines Establishing Test Procedures for the Analysis of Pollutants; Final Rule, Technical Corrections [FRL–6227–4] received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

416. A communication from the President of the United States, transmitting his economic report, together with the annual report of the Council of Economic Advisers, pursuant to 15 U.S.C. 1022(a); (H. Doc. No. 106—2); to the Committee on the Joint Economic Committee and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Filed on February 5, 1999]

Mr. BURTON: Committee on Government Reform. H.R. 391. A bill to amend chapter 35 of title 44, United States Code, for the purpose of facilitating compliance by small businesses with certain Federal paperwork requirements, to establish a task force to examine the feasibility of streamlining paperwork requirements applicable to small businesses, and for other purposes (Rept. 106–8 Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. BURTON: Committee on Government Reform. H.R. 436. A bill to reduce waste, fraud, and error in Government programs by making improvements with respect to Federal management and debt collection practices, Federal payment systems, Federal benefit programs, and for other purposes (Rept. 106–9 Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

[Filed on February 8, 1999]

Mr. YOUNG of Alaska: Committee on Resources. H.R. 193. A bill to designate a portion of the Sudbury, Assabet, and Concord Rivers as a component of the National Wild and Scenic Rivers System (Rept. 106–10). Referred to the Committee of the Whole House on the State of the Union.

Mr. TALENT: Committee on Small Business. H.R. 439. A bill to amend chapter 35 of title 44, United States Code, popularly known as the Paperwork Reduction Act, to minimize the burden of Federal paperwork demands upon small businesses, educational and nonprofit institutions, Federal contractors, State and local governments, and other persons through the sponsorship and use of alternative information technologies (Rept. 106–11, Pt. 1).

Mr. TALENT: Committee on Small Business. H.R. 440. A bill to make technical corrections to the Microloan Program (Rept. 106–12). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

[The following actions occurred on February 5, 1999]

Pursuant to clause 5 of rule X, the Committee on Small Business discharged from further consideration. H.R. 391 referred to the Committee of the Whole House on the State of the Union.

Pursuant to clause 5 of rule X, the following action was taken by the Speaker: the Committee on the Judiciary discharged from further consideration. H.R. 436 referred to the Committee of the Whole House on the State of the Union.

Pursuant to clause 5 of rule X, the Committee on the Budget discharged from further consideration. H.R. 437 referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL PURSUANT TO RULE X

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

[The following actions occurred on February 5, 1999]

H.R. 436. Referral to the Committee on the Judiciary extended for a period ending not later than February 5, 1999.

H.R. 391. Referral to the Committee on Small Business extended for a period ending not later than February 5, 1999.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

[Filed on February 5, 1999]

Mr. BURTON: Committee on Government Reform. H.R. 437. A bill to provide for a Chief Financial Officer in the Executive Office of the President; referred to the Committee on the Budget for a period ending not later than February 5, 1999, for consideration of such provisions of the bill as fall within their jurisdiction pursuant to clause 1(c), rule X. (Rept. 106–7, Pt. 1).

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. ANDREWS:

H.R. 613. A bill to amend title 9, United States Code, to allow employees the right to accept or reject the use of arbitration to resolve an employment controversy; to the Committee on the Judiciary.

By Mr. ARCHER (for himself, Mr. LIPINSKI, Mr. THOMAS, Mr. CRANE, Mr. HALL of Texas, Mr. COOKSEY, Mr. GOSS, Mr. ARMEY, Mr. ROYCE, Mr. PETERSON of Pennsylvania, Mr. BRADY of Texas, Mr. MCCOLLUM, Mr. PORTMAN, Mr. HILLEARY, Mr. HOSTETTLER, Mr. BONILLA, Mr. TANCREDO, Mr. STUMP, Mr. LARGENT, Mr. CUNNINGHAM, Mr. YOUNG of Alaska, Mr. KOLBE, Mrs. MYRICK, Mr. RAMSTAD, Mr. COBURN, Mr. BURTON of Indiana, Mr. ENGLISH, Mr. MCCRERY, Mr. HAYWORTH, and Mr. SHADEGG):

H.R. 614. A bill to amend the Internal Revenue Code of 1986 to expand the availability of medical savings accounts; to the Committee on Ways and Means.

By Mr. CRANE:

H.R. 615. A bill to amend the Internal Revenue Code of 1986 to permit early distributions from employee stock ownership plans for higher education expenses and first-time homebuyer purchases; to the Committee on Ways and Means.

H.R. 616. A bill to amend the Internal Revenue Code of 1986 to permit 401(k) contributions which would otherwise be limited by employer contributions to employee stock ownership plans; to the Committee on Ways and Means.

By Ms. DEGETTE (for herself, Mr. NORWOOD, Ms. SCHAKOWSKY, Mr. SHOWS, Mr. UNDERWOOD, Mr. ENGLISH, Ms. RIVERS, and Mr. STRICKLAND):

H.R. 617. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to ensure full Federal compliance with that Act; to the Committee on Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DOGGETT (for himself, Mr. EVANS, and Mr. CRAMER):

H.R. 618. A bill to provide for the adjudication of certain claims against the Government of Iraq and to ensure priority for United States veterans filing such claims; to the Committee on International Relations.

By Mr. FRANK of Massachusetts:

H.R. 619. A bill to amend the Civil Rights Act of 1964 to prohibit discrimination on the basis of sex in programs receiving Federal fianancial assistance; to the Committee on the Judiciary.

By Mr. FRANKS of New Jersey (for himself, Mr. FRELINGHUYSEN, and Mrs. ROUKEMA):

H.R. 620. A bill to direct the Secretary of Transportation to conduct a test to determine the costs and benefits of requiring jet-propelled aircraft taking off from Newark International Airport, New Jersey, to conduct ascents over the ocean, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. HILLEARY:

H.R. 621. A bill to provide that certain regulations proposed by the Comptroller of the Currency, the Director of the Office of Thrift Supervision, the Board of Governors of the Federal Reserve System, and the Federal Deposit Insurance Corporation relating to practices of financial institutions shall not take effect; to the Committee on Banking and Financial Services.

By Mr. HOUGHTON (for himself, Mr. MCNULTY, Mr. TOWNS, Mr. LAFALCE, Mr. FROST, Mr. KING of New York, Mr. NEAL of Massachusetts, Mr. HAYWORTH, Mr. HINCHEY, Mr. HINOJOSA, and Mr. WAXMAN):

H.R. 622. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income rewards received by reason of providing information leading to the conviction of a crime to the extent that the reward is used to compensate victims of crime; to the Committee on Ways and Means.

By Mr. KNOLLENBERG (for himself, Mr. BACHUS, Mr. BARTON of Texas, Mr. CALLAHAN, Mr. CALVERT, Mr. CANADY of Florida, Mr. CHAMBLISS, Mr. COX of California, Ms. DANNER, Mr. DELAY, Mr. DOOLITTLE, Mr. DUNCAN, Mr. ENGLISH, Mr. EHRLICH, Mr. HANSEN, Mr. HASTINGS of Washington, Mr. HERGER, Mr. HOEKSTRA, Mr. HUTCHINSON, Mr. JOHN, Mrs. MYRICK, Mr. NORWOOD, Mr. PAUL, Mr. ROHRABACHER, Mr. SANDLIN, Mr. SESSIONS, Mr. SMITH of Michigan, Mr. SOUDER, Mr. STUMP, Mr. TRAFICANT, and Mr. UPTON):

H.R. 623. A bill to amend the Energy Policy and Conservation Act to eliminate certain regulation of plumbing supplies; to the Committee on Commerce.

By Mr. KNOLLENBERG:

H.R. 624. A bill to amend section 101 of title 11 of the United States Code to modify the definition of single asset real estate and to make technical corrections; to the Committee on the Judiciary.

By Mr. NEY (for himself, Mr. BROWN of Ohio, Mr. KASICH, Mr. KUCINICH, Mr. PORTMAN, Mr. REGULA, Mr. SAWYER, and Mrs. JONES of Ohio):

H.R. 625. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to continue payment of monthly educational assistance benefits to veterans enrolled at educational institutions during periods between terms if the interval between such periods does not exceed eight weeks; to the Committee on Veterans' Affairs.

By Mr. SANDERS (for himself, Mr. DEFAZIO, Mr. ROHRABACHER, Mr. CAMPBELL, Mr. ALLEN, Mr. NADLER, Mr. BERRY, Mrs. THURMAN, Mrs. JONES of Ohio, Mr. STARK, Mr. OLVER, Mr. BOUCHER, Mr. KUCINICH, Mr. LUTHER, Mr. WAXMAN, Ms. SCHAKOWSKY, and Ms. ROS-LEHTINEN):

H.R. 626. A bill to require persons who undertake federally funded research and development of drugs to enter into reasonable pricing agreements with the Secretary of Health and Human Services, and for other purposes; to the Committee on Commerce.

By Mr. SANDERS:

H.R. 627. A bill to amend the Fair Labor Standards Act of 1938 to increase the minimum wage and to provide for an increase in such wage based on the cost of living; to the Committee on Education and the Workforce.

By Mr. TRAFICANT (for himself, Mr. MURTHA, Mr. BILBRAY, and Mr. ROHRABACHER):

H.R. 628. A bill to amend title 10, United States Code, to authorize the Secretary of Defense to assign members of the Armed Forces, under certain circumstances and subject to certain conditions, to assist the Immigration and Naturalization Service and the United States Customs Service in the performance of border protection functions; to the Committee on Armed Services.

By Mr. VENTO (for himself and Mrs. ROUKEMA):

H.R. 629. A bill to amend the Community Development Banking and Financial Institutions Act of 1994 to reauthorize the Community Development Financial Institutions Fund and to more efficiently and effectively promote economic revitalization, community development, and community development financial institutions, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. FRANK of Massachusetts:

H.J. Res. 24. A joint resolution proposing an amendment to the Constitution of the United States to repeal the twenty-second amendment relating to Presidential term limitations; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 104: Mr. CALVERT, Mr. CHAMBLISS, Mrs. CUBIN, Ms. DUNN of Washington, Mr. EHRLICH, Mr. FORBES, Mr. GOODE, Mr. GOODLING, Mr. GREEN of Wisconsin, Mr. HASTINGS of Washington, Mr. HAYES, Mr. ISTOOK, Mr. LARGENT, and Mr. MCKEON.

H.R. 105: Mr. COOKSEY and Mr. FORBES.

H.R. 106: Mr. COOKSEY, Mr. FORBES, Mr. HOSTETTLER, and Mr. SAM JOHNSON of Texas.

H.R. 107: Mr. CALVERT, Mr. CHAMBLISS, Mr. COOKSEY, Mr. FORBES, Mr. HOSTETTLER, Mr. SAM JOHNSON of Texas, Mr. LATHAM, and Mr. PAUL.

H.R. 108: Mr. COOKSEY, Mr. FORBES, Mr. HOEKSTRA, and Mr. HOSTETTLER.

H.R. 150: Mr. STUMP, Mr. GIBBONS, Mr. UNDERWOOD, and Mr. MCDERMOTT.

H.R. 151: Mr. CANNON and Mr. MCINNIS.

H.R. 154: Mr. UDALL of Colorado.

H.R. 169: Mr. GANSKE.

H.R. 218: Mr. PICKERING, Ms. GRANGER, Mr. HASTINGS of Washington, Mr. COLLINS, Mr. WICKER, Mr. GILMAN, Mr. SISISKY, Mr. TOOMEY, Mr. HALL of Ohio, Mr. TANCREDO, Mr. METCALF, Mr. BILBRAY, Mr. TURNER, Mr. LINDER, Mr. BARRETT of Nebraska, Mr. HOSTETTLER, Mr. NEY, Mr. GREEN of Wisconsin, Mr. TRAFICANT, Mr. SHOWS, Mr. GOODLATTE, Mr. NORWOOD, Mr. STUMP, Mr. RADANOVICH, Mr. BURTON of Indiana, Mr. CALVERT, Mr. STRICKLAND, and Mrs. THURMAN.

H.R. 271: Mr. RANGEL.

H.R. 316: Mr. NADLER, Mr. COOKSEY, Mr. GOODE, and Mr. SUNUNU.

H.R. 351: Mr. BURTON of Indiana, Mr. COOK, Mr. SHAW, Mr. RUSH, Mr. POMEROY, Mr. DICKEY, Mr. GREEN of Wisconsin, and Mr. RYUN of Kansas.

H.R. 355: Mr. ORTIZ.

H.R. 357: Mr. CARDIN and Mr. MASCARA.

H.R. 373: Mr. PAUL.

H.R. 415: Mr. LANTOS and Mr. MARTINEZ.

H.R. 433: Mr. SCARBOROUGH, Mr. HORN, and Mr. MORAN of Virginia.

H.R. 438: Mrs. WILSON.

H.R. 548: Mrs. CLAYTON, Mrs. MINK of Hawaii, Mr. BISHOP, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. WAXMAN, Mr. GEJDENSON, Mr. GONZALEZ, Mr. CUMMINGS, Mr. MEEKS of New York, Ms. NORTON, Mr. OWENS, Mr. SCOTT, Mr. PASTOR, Mr. WYNN, Mrs. CAPPS, Mr. UDALL of New Mexico, and Mrs. THURMAN.

H. Con. Res. 21: Mr. RUSH.

United States of America

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PROCEEDINGS AND DEBATES OF THE 106th CONGRESS, FIRST SESSION

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Senate

The Senate met at 1:06 p.m. and was called to order by the Chief Justice of the United States.

TRIAL OF WILLIAM JEFFERSON CLINTON, PRESIDENT OF THE UNITED STATES

The CHIEF JUSTICE. The Senate will convene as a Court of Impeachment. The Chaplain will offer a prayer.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, guide the Senators today as they move closer to the completion of this impeachment trial and confront some of the most difficult decisions of their lives. Give them physical strength and mental fortitude for this day. In anticipation of Your burden-lifting blessing, we place our trust in You.

We renew our prayers for peace in the Middle East. Thank You for the life and leadership of King Hussein of Jordan, that persistent peacemaker and emissary of light in the often dim negotiations for just peace. Now at this time of his untimely death, we pray for the people of Jordan and for his son, King Abdullah, as he assumes the immense challenges of leadership. In Your holy Name. Amen.

The CHIEF JUSTICE. The Sergeant at Arms will make the proclamation.

The Sergeant at Arms, James W. Ziglar, made proclamation as follows:

Hear ye! Hear ye! Hear ye! All persons are commanded to keep silent, on pain of imprisonment, while the Senate of the United States is sitting for the trial of the articles of impeachment exhibited by the House of Representatives against William Jefferson Clinton, President of the United States.

The CHIEF JUSTICE. The Chair recognizes the majority leader.

Mr. LOTT. Thank you, Mr. Chief Justice.

ORDER OF PROCEDURE

Mr. LOTT. This afternoon the Senate will resume consideration of the articles of impeachment. Pursuant to S. Res. 30, the Senate will proceed to final arguments for not to exceed 6 hours, equally divided between the House managers and the White House counsel.

At the conclusion of those arguments today, I expect the Senate to adjourn the impeachment trial until tomorrow. We expect tonight, when we go out of the impeachment trial, to have a period for legislative business so we can pass a resolution or consider a resolution with regard to King Hussein.

ORDER FOR TUESDAY, FEBRUARY 9, 1999

Mr. LOTT. I now ask unanimous consent that when the Senate completes its business today, it stand in adjournment, to reconvene as a Court of Impeachment at 1 p.m. on Tuesday, February 9, 1999.

The CHIEF JUSTICE. Without objection, it is so ordered.

UNANIMOUS-CONSENT REQUEST

Mr. LOTT. Mr. Chief Justice, I ask unanimous consent that the February 5, 1999, affidavit of Mr. Christopher Hitchens and the February 7, 1999, affidavit of Ms. Carol Blue be admitted into evidence in this proceeding.

The CHIEF JUSTICE. Is there objection?

Mr. DASCHLE. At this juncture in the trial, I am compelled to object.

The CHIEF JUSTICE. Objection is heard.

Mr. LOTT. I believe we are ready to proceed, Mr. Chief Justice.

The CHIEF JUSTICE. The Chair recognizes Mr. Manager SENSENBRENNER.

Mr. Manager SENSENBRENNER. Mr. Chief Justice, distinguished counsel for the President, and Senators, I am Congressman JIM SENSENBRENNER. I represent 580,000 people in southeastern Wisconsin in the U.S. House of Representatives. During my entire service in Congress, I have served as a member of the Committee on the Judiciary of the House of Representatives.

We are nearing the end of a long and difficult process. The Senate has considered for the past several weeks the grave constitutional responsibility to determine whether the actions of President Clinton merit his conviction and removal from office. The Senate has been patient, attentive and engaged throughout this unwelcome task, and for this the House managers are grateful. The managers would also like to thank the distinguished Chief Justice for his patience and impartial demeanor throughout this trial.

At the outset of the managers' closing arguments, it is important to distinguish what has caused only the second Presidential impeachment in history from extraneous matters that bear no relation to the verdict the Senate will shortly reach. When this trial began 4 long weeks ago, we said that what was on trial was the truth and the rule of law. That has not changed, despite the lengthy legal arguments you have heard. The truth is still the truth and a lie is still a lie. And the rule of law should apply to everyone no matter what excuses are made by the President's defenders.

The news media characterizes the managers as 13 angry men. They are right in that we are angry, but they are dead wrong about what we are angry about. We have not spent long hours poring through the evidence, sacrificed time with our families and subjected ourselves to intense political criticism to further a political vendetta. We have done so because of our love for this country and respect for the Office of the Presidency, regardless of who may hold it. We have done so because of our devotion to the rule of law and our fear that if the President does not suffer the legal and constitutional consequences of his actions, the impact of allowing the President to stand above the law will be felt for generations to come.

The Almanac of American Politics has called me ''a stickler for ethics.'' To that, I plead guilty as charged because laws not enforced are open invitations for more serious and criminal

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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behavior. This trial was not caused by Kenneth Starr, who only did his duty under a law which President Clinton himself signed. It was not caused by the House Judiciary Committee's review of the independent counsel's mountain of evidence. Nor was it caused by the House of Representatives approving two articles of impeachment, nor by the Senate conducting a trial mandated by the Constitution.

Regardless of what some may say, this constitutional crisis was caused by William Jefferson Clinton and by no one else. President Clinton's actions, and his actions alone, have caused the national agenda for the past year to be almost exclusively concentrated on those actions and what consequences the President, and the President alone, must suffer for them.

This trial is not about the President's affair with Monica Lewinsky. It is about the perjury and obstruction of justice he committed during the course of the civil rights lawsuit filed against him, and the subsequent independent counsel investigation authorized by Attorney General Janet Reno.

The President has repeatedly apologized for his affair, but he has never, never apologized for the consequences of the perjury and obstruction of justice he has committed. Perhaps those decisions were based upon a Dick Morris public opinion poll which told the President that the American people would forgive his adultery but not his perjury. Perhaps it was for another reason. Whatever the White House's motivations were, the fact remains that the President's apologies and the statements of his surrogate contritionists have been carefully crafted for the President to continue to evade and, yes, avoid responsibility for his deceiving the courts to prevent them from for administering justice.

Because the President's actions to obstruct justice are so egregious and repeated, many have ignored his grand jury perjury, charges before you in article I. I wish to point out four glaring examples of William Jefferson Clinton's perjurious, false and misleading statements to the grand jury and not at the civil deposition in the Paula Jones case.

First, the President lied under oath to the grand jury when he falsely testified about his attorneys' use of a false affidavit at his deposition. Second, he lied under oath to the grand jury about his conversations with Betty Currie. Third, he lied under oath to the grand jury about what he told his aides about his relationship with Ms. Lewinsky, knowing that those aides would be called to testify to the grand jury. Fourth, he lied under oath to the grand jury when he testified about the nature of his relationship with Ms. Lewinsky.

An ordinary citizen who lies under oath four times to a grand jury is subject to substantial time in a Federal prison. The decision each Senator must make with respect to article I is whether the President is to pay a price for his perjury, just like any citizen must. The President's defenders and spin doctors would have you believe that the President told all of these lies under oath to protect himself and his family from personal embarrassment, and even if he did tell a lie, it was not that bad a lie.

Senators, please remember that the President's grand jury appearance was over 6 months after the news media broke the story about the President's affair with Ms. Lewinsky. By August 17, few people doubted that he had an affair with her. There was little left to hide. And he lied after practically everyone who was asked—including many of you—advised the President to tell the truth to the grand jury. And still he lied.

We have heard a litany of excuses, including the President saying he was not paying a great deal of attention and that he was trying to figure out what the facts were, and that he needed to know whether his recollection was right, and that he had not done anything wrong. And on and on. The President knew what had happened. If Monica Lewinsky came on to him and made a sexual demand upon him and he rebuffed her, as he told Sidney Blumenthal, he would have nothing to apologize for.

Senators, don't be fooled by the President's excuses and spin control. The facts and the evidence clearly show that he knew what he was doing was to deceive everyone, including the grand jury. He and his defenders are still in denial. They will not accept the consequences of his repeated and criminal attempts to defeat the judicial process. His lies to the grand jury were not to protect his family or the dignity of his office but to protect himself from criminal liability for his perjury and obstruction of justice in the Jones case.

Over 9 years ago, the Senate removed Judge Walter Nixon from office for about the same offense—lying under oath to the grand jury. The vote in the Senate was 89–8 in favor of Judge Nixon's removal, with 48 current Senators and Vice President GORE voting guilty. To boot a Federal judge from office while keeping a President in power after the President committed the same offense sets a double standard and lowers the standard of what the American people should expect from the leader of their country. To conclude that the standard of Presidential truthfulness is lower than that of a Federal judge is absurd. To conclude that perjury and obstruction of justice are acceptable if committed by a popular President during times of peace and prosperity sets a dangerous precedent which sets America on the road back to an imperial Presidency above the law.

To justify the President's criminal behavior by demonizing those who seek to hold him accountable ignores the fact that President Clinton's actions, and those actions alone, precipitated the investigations which have brought us here today. To keep a President in office whose gross misconduct and criminal actions are a well-established fact will weaken the authority of the Presidency, undermine the rule of law, and cheapen those words which have made America different from most other nations on the Earth: Equal justice under law.

For the sake of our country and for future generations, please find the President guilty of perjury and obstruction of justice when you cast your votes.

Mr. CANNON.

THE JOURNAL

The CHIEF JUSTICE. The Chair recognizes Mr. Manager CANNON. If you will wait a moment, Mr. Manager CANNON. If there is no objection, the Journal of the proceedings of the trial are approved to date. Please go ahead.

Mr. Manager CANNON. Mr. Chief Justice, counsel to the President, Members of the Senate, my name is CHRISTOPHER B. CANNON, and I represent over 600,000 people in the Third District of Utah.

I want to begin with a couple of thank-you's. First, I thank you Senators for your attention during this series of presentations. I know that you all have deep conflicts over the matter before you. Some of you have made strong and public statements about it. But you have all paid extraordinary attention, and for that I thank you.

I also thank the other members of the management team. It has been a remarkable experience to have been associated with them during the last 5 months—almost as good, I might say, as it would have been to have been home with my wife, children, and our new baby.

If I might, I want to share with you a recent family experience. I have been home just about a little over a day out of the last 3 weeks. It took my 10-month-old baby a little while to warm up to me when I was home last. Later, as I started packing, she realized I was leaving again and she insisted that I hold her. I think she felt that if she held on, I wouldn't disappear. Unfortunately, she fell asleep during the trip to the airport. I know that the other managers have had similar disruptions in their families. For instance, CHARLES CANADY's wife had a baby during the trial.

I, therefore, thank my wife and children, and the wives and children of all of the managers for their forbearance and support during this process. Like us, they believe in the obligation we have to assure good government. I might say that, like us, they are grateful that the managers' role is ending.

For the managers, this process is almost done. I hope that history will judge that we have done our duty well. We have been congratulated and condemned. But we are done.

And while our difficult role is ending, yours is just beginning. While I'm certain that sitting here silently has been difficult, the truly daunting task before you now is to conclude this trial

with some sense of legitimacy. For America is deeply divided, and the end result of an impeachment trial was designed by the founding fathers to salve those wounds. Traditionally, after an airing of the facts and a vote by the Senate, either a President is removed or he is vindicated. In this case, it seems, neither of those results may be realized. While the facts are clear that the President committed perjury and obstruction of justice, it is equally clear that this body may not remove him from office. And from this perception, you face the challenge of legitimizing the end result. Your vote will end this matter. It is nonjusticiable. Whatever your decision is, it cannot be undone. The outcome will be right by definition. But how well you do the work of divining that outcome will affect the way we as a nation deal with the divisions among us.

To proceed in a manner that will be trusted, and viewed as legitimate by the American people, you must deal with the differences between this proceeding and prior impeachment trials. You must do this with an obvious commitment to your oath to do justice impartially according to the Constitution and the law. The law includes the rules and precedents of the Senate.

Senate resolution 16 made this process different from all of the preceding 13 Senate trials on impeachment, principally by removing from the managers the right to present our case as we see fit. I suspect that the lewd subject matter and the partisan fight in the House may have influenced your decision.

But there is an integrity to the historic rules and reasons for them. For instance, the Senate by nature will be divided in the impeachment proceedings while the managers are united. It is therefore easier for the managers to decide on how to present their case than for the Senate.

There are other differences in this proceeding from historic impeachment practice before the Senate. May I list the changes for you with the intent to help you focus on the goal of a conclusion that we, the people, will feel is legitimate.

Senate resolution 16 called for a 24 hour presentation or ''trial,'' that mainly consisted of what the public saw as the yammering of lawyers. Time was equally divided rather than sequenced as it is in a trial where opening statements are made and then evidence is put on through witnesses. In a trial, each side typically takes the time necessary to establish its case or undermine the witness through cross examination. After the moving party has made its case, the responding party makes it case. Time is dictated only by what each side feels it needs. Each witness is subject to whatever cross examination is appropriate. The case develops tested piece by tested piece, and ultimately one side prevails.

Here, the managers had to cut very important portions of our limited case. We had a limited number of witnesses, limited to video taped appearances, limited to fit an arbitrary three hour rule. That time was lessened because we had to reserve time for rebuttal.

According to judicial traditions, defendants have to challenge each witness as they appear, not wrap the credibility of all in one wide ranging response. In these proceedings, the Senate has not had the opportunity to assess the credibility of witnesses as the case developed. The White House then used its time with long video portions and small cutting accusations. Who knows what the White House might have done if it had been able, or found it necessary, to challenge witnesses as they testified?

Another diversion from judicial and Senate trial precedent was that the only rebuttal for the managers was what we reserved after our video presentation and, awkwardly, in the questioning period where important, complicated issues were cut off by artificial time limits, while peripheral issues got more time than they deserved. This questioning period had the unfortunate side effect of focusing the public on the partisanship of the Senate.

The problem of the newness of the presentation format was exacerbated by our new media environment. The Internet with its immediate and often unvetted content, and cable television with its perpetual talking heads, gave equal time and equivalency of weight to the managers and the White House, with no witness testimony to constrain them. The process gave rise to the perception that the ''fix was in,'' leaving some to gloat at having scammed the situation, and others angry at being unheard.

And that is the context within which the Senate must now find a legitimate outcome. Given the wide-ranging discussions of options, it is clear this is no easy task. Will it be:

Adjournment with condemnation?

Findings of fact about the President's behavior?

A bifurcated vote to show agreement with the articles of impeachment but not removing the President?

A simple up or down on the articles of impeachment?

Or a vote for acquittal followed by censure?

I don't know which, if any, of these options really makes sense. And I don't know of any other options. I do know that the issue is grave, and that your responsibility is great.

So I am here today to ask you to set aside some natural inclinations for the good of the country.

I would implore you, Senators, both Republican and Democrat, to set aside partisanship, politics, polls, and personalities and exchange them for loftier inclinations—those of ''procedure,'' ''policy,'' and ''precedents.'' These are the only guidelines this body should have.

As the Senate deliberates this case I would ask that a few key facts never be forgotten:

1. That the President committed perjury when he lied under oath.

2. The Senate has historically impeached judges for perjury—even recently by some of you assembled here.

3. Any American watching these proceedings who commits perjury would also be punished by the law.

4. If the Senate follows our Nation's precedents of punishing perjurers, and if the Senate follows its own precedents of convicting perjurers, then there is only one clear conclusion in this matter: conviction.

Senators, we as Americans and legislators have never supported a legal system which has one set of laws for the ruler, and another for the ruled. After all, our very own pledge of allegiance binds us together with the language of ''liberty and justice for all.'' If that is the case, if we intend to live up to the oaths and pledges we take, then our very own President must be subject to the precedents our Nation's judicial system and this Senate body have heretofore set.

Because I love this country and its institutions, I pray for inspiration for each of you as you seek the proper, legitimate outcome. May God bless you in the process.

Thank you.

The CHIEF JUSTICE. The Chair recognizes Mr. Manager Gekas.

Mr. Manager GEKAS. Mr. Chief Justice, colleagues on each side of the podium, Members of the Senate, if I were to take some time to thank the Chief Justice for his patience in all this, would that be counted against my time?

The CHIEF JUSTICE. Yes.

Mr. Manager GEKAS. Then I will send you a note. (Laughter.)

We do offer our thanks to the Chief Justice.

I come from Pennsylvania, and the people in my district, in the entire State, and the people in their 49 brethren States across the Nation recognize that there is really only one issue, with all the fury and the tumult and the shouting and the invective, the language, and just the plain shouting that has occurred across the Halls of Congress and every place else in the country.

It all swoops down the telescope to one issue: Did the President utter falsehoods under oath? Everyone understands that. Everyone comes to the conclusion that that is a serious allegation that has been made through the impeachment, and one which you must judge in the final vote that you will be casting.

But why is it important about whether or not the President uttered the falsehoods under oath? It is important not just to constitute the basis of perjury, as is alleged, and/or obstruction of justice, which is alleged, but even if those two were not proved in all their elements as crimes, you would still have to consider a falsehood under oath as constituting an impeachable offense. I say that advisedly.

It starts—my contention does—with the assertions of our esteemed colleagues who represent the President. Time after time, and in their briefs and in their statements on and off the floor, they have stated you need not have a criminal offense for it to constitute an impeachable offense. They provided examples of that. They said that all you have to demonstrate is that an impeachable offense is one that rocks against the integrity of the system of government. I am paraphrasing, of course.

I submit—and I feel this so strongly that it bothers me that I can't make it clear—that to violate the oath as a witness in a civil case, or a criminal case, in the Jones matter, or in the grand jury, smashes against the integrity of our system of government. There are sundry reasons for that.

In this case, if you follow the logic and the extreme intellectual presentation made by White House counsel that refutes every item that—or attempts to refute, not refutes—attempts to refute every item asserted by the managers, if you believe all of that and are confused or in doubt about the Jones case and whether lies under oath were committed, or at the grand jury, you must think about this. This is, to me, proof positive that the President uttered falsehoods under oath in all of his public stances.

On December 23, the President, under oath, answered interrogatories that were sent to him by the court in the Jones case in which he said, in answer to the question, Have you ever had sexual relations with anyone in a subordinate role while you were Governor of Arkansas, or President of the United States?—this is important. At that time—and the record will disclose all of this—at that time, there was no definition in front of him, no gaggle of attorneys trying to dispute what word meant what, no judge there to interpose the legal standard that should be employed, but rather the boldfaced, naked phrase of ''sexual relations'' that everyone in the whole world understands to be what it is—and the President answered under oath ''None.''

I submit to the Members of the Senate, if the answer then, December 23, before ever stepping foot in the deposition of the Paula Jones case, if he never appeared there, or whatever he said there was so clouded you can't draw a conclusion, certainly you can refer back to December 23 and see a starting point of a pattern of conduct on the part of the President that proves beyond all doubt that he committed a pattern and actual falsehoods under oath time and time again.

If that is not enough, on January 15, as the record will disclose, he answered under oath requests for documents in which the question is asked under oath, to which the President responded, Have you ever received any gifts or documents from—and it mentioned among others Monica Lewinsky—and the President under oath said ''No'' or ''None.'' The record will show for sure exactly what he said. But he denied that any gifts were transferred from, or any documents, or any items of personalty, from Lewinsky to the President.

I submit to you that if you are confused about that, because of the great presentation made by the counsel for the President about the murkiness and cloudiness of the Jones deposition, the maddening consequences of the President's testimony— ''maddening,'' they said—then you can refer back to January 15 before the deposition, and December 23, and find proof positive in the documents already a part of the case that you have to decide that, indeed, a pattern of falsehoods under oath was initiated and conducted by the President of the United States.

That is very important. Those allegations, by the way, have gone completely uncontradicted by the President of the United States.

I think they took great delight—these colleagues of mine on behalf of the President—great delight in saying—at one point they put the marquee in the sky, that in so many different ways when Monica Lewinsky said, ''Nobody told me to lie,'' that was the case for them. What a case they made. ''Nobody told me to lie.'' They won the case right then and there in their minds, because that was exculpatory and that was brandishing in this case once and for all, Monica said, ''Nobody told me to lie.''

I am going to take some liberties with the Latin that I learned in school, and we all learned in college and law school, ''falsum in unum is falsum in toto,'' meaning if you say something false in one phase of your testimony, more than likely the triors of fact can find that you were false in all of them.

Well, I am going to change that. I think I am right when I say that ''veritas in unum is veritas in toto.'' So when Monica Lewinsky says, ''Nobody told me to lie,'' and that is the indomitable, indestructible truth that the White House counsel say, that is the case, then it also must be ''veritas in toto,'' because when she said that she gave gifts to the President, then you must accept that ''veritas in unum is veritas in toto.''

That goes on and on and on.

Somebody is waving, ''Cut this short.'' (Laughter.)

It is very tough for me to do that, but I will comply.

I have a witness. I call a witness to bolster my part of this summation. The witness is the American people.

Mr. Craig, in his last appearance on this podium, was delighted to be able to quote a poll that showed that 75 percent of the people of our country felt that there was no need to present videotapes to the Senate in the trial—75 percent, he said with great gusto, of the American people.

Of course the polls of all types were quoted time and time again by the supporters of the President as showing why you should vote to acquit. The polls, the polls, the polls.

I now call the American people's poll on whether or not they believe that the President committed falsehoods under oath—80 percent of the American people—I call them to my side here at the podium to verify to you that the President committed falsehoods under oath.

The CHIEF JUSTICE. The Chair recognizes Mr. Manager CHABOT.

Mr. Manager CHABOT. Thank you. I am STEVE CHABOT. I represent the First District of Ohio, which is Cincinnati.

This week we will likely finally conclude this trial. Has it been difficult? Yes. Would we all have preferred that none of this ever happened? Of course. But the President has put our Nation through a terrible ordeal, and it has been our duty to pursue this case to its conclusion.

Despite the dire warnings, scare tactics and heavy-handed threats by those who would circumvent the solemn constitutional process that we are all engaged in, our great country has survived. We have finished this trial in just a few weeks. The economy continues to be strong, and the Nation's business is getting done.

But, Senators, before you turn out the lights and head home, you must make one final decision. It is a decision that should not be influenced by party affiliation or by politics or by personal ties. It is a decision that should be guided by our Constitution, by our laws, and by your own moral compass.

A few months ago I stood here in your shoes, as did all the colleagues here, and the colleagues in the House, preparing to make what would likely be the most important vote of our careers. Throughout the process, I did my best to be fair, to keep an open mind. I listened carefully to the views of my constituents, the people who sent me to Congress. I reviewed the evidence in excruciating detail. Ultimately, for me, the choice was clear. I came to the conclusion that it was my duty to support impeachment. Now it is your turn to cast what could be the most important vote of your political careers. The question is, Will moral fortitude or political expediency rule the day?

This past weekend, I had the opportunity to spend a couple hours at my college alma mater, William and Mary, not too far from here, down in Williamsburg, VA. As I walked around the campus, I could not help but think back to my college days and what motivated me to seek public office in the first place.

Back in 1972, I was a 19-year-old college student casting my first ballot in a Presidential election. Like a majority of Americans that year, I voted for a Republican, Richard Nixon, for President. Four years later, however, I voted for a Democrat, Jimmy Carter. This decision stemmed from my profound disappointment over Watergate and a strong conviction that President Nixon should not have received immunity for his actions.

Now, just as in college, I find myself extremely troubled by the actions of a President. In fact, as I started to think about what I would say to you today, I wasn't sure how to begin. How exactly do you wrap up in 10 minutes or less everything we have witnessed in the last year? We have seen Bill Clinton's finger-waving denial to the American people. We have seen the President lie before a Federal grand jury. We have seen the President obstruct justice. We have seen the President hold a public celebration immediately following the House impeachment vote. We all know the President's behavior has been reprehensible.

President Clinton, however, refuses to admit what all of us know is true. To this day, he continues to deny and distort; he continues to dispute the undeniable facts that are before the Senate and before the American people. The President's attorneys have done their best to disguise the truth as well.

At the beginning of this trial, I predicted in my presentation that they would use legal smokescreens to mask the law and the facts. To their credit, they produced smoke so thick that it continues to cloud this debate. But if you look through the smoke and the mirrors employed by these very able lawyers, you will see the truth. The truth is that President Clinton lied to a Federal grand jury. He lied about whether or not he had committed perjury in a civil deposition, about the extent of his relationship with a subordinate Federal employee, about his coaching of his secretary, Betty Currie, and about the countless other matters.

In my opening statement before this body, I outlined the four elements of perjury: An oath, intent, falsity, materiality. In this case, all those elements have been met.

President Clinton also obstructed justice and encouraged others to lie in judicial proceedings. He sought to influence the testimony of a potentially adverse witness with job assistance, and he attempted to conceal evidence that was under subpoena.

These truths cannot be ignored, distorted, or swept under the rug. Some of the President's partisan defenders want you to do just that. But it would be wrong. It would be wrong for you to send the message to every American that it is acceptable to lie under oath and obstruct justice. It would be wrong for you to tell America's children that some lies are all right. It would be wrong to show the rest of the world that some of our laws don't really matter.

I must agree with Phyllis and Jack Stanley, constituents of mine who live in my district, who wrote me a letter saying, and I quote:

> We believe that President Bill Clinton should definitely be impeached for the sake of the country. If he is not impeached, will not the rule of law in this country be weakened? We do not feel glee over the prospect of President Clinton's impeachment, however. For the sake of coming generations, acknowledging that integrity, honor and decency matter greatly is very important, especially in the highest office of the land.

Like most of you, I have spent countless hours at grocery stores, shopping malls, in schools, in my church talking to my constituents. I have also read thousands of letters that have been sent to my office, just as we all have. What I have heard and read doesn't surprise me. People in Cincinnati, OH, have a variety of views on what the ultimate verdict should be by this body. Many want the President removed from office. Others want a censure. Still others would just like to see the process end. But regardless of their views, they are honorable people who care about our country and our future.

Now, I know that throughout the process some of the President's more partisan defenders have harshly criticized the managers, the House of Representatives, and anyone who would dare believe the President committed any crimes. These partisan attacks have been unfortunate because I think we all know that these issues are serious and that they deserve serious consideration. I know it, the American people know it, and I think you all know it, too. But despite the partisan rhetoric of the attacks, I believe that once this trial ends, we must work together.

So I would ask everyone here today to make a commitment, a commitment to every American, that regardless of the trial's outcome, we will join together to turn the page on this unfortunate chapter that President Clinton has written into our Nation's history.

The question before you now is: How will this chapter end? Will the final chapter say that the U.S. Senate turned its back on perjury and obstruction of justice by a President of the United States, or will it say that the Senate took a principled stand and told the world that no person, not even the President, stands above the law; that all Americans, no matter how rich, how powerful, or how well connected, are accountable for their actions, even the President.

As the father of two children and a former schoolteacher myself at an inner-city school in Cincinnati, I believe it is very important that we teach our children that honesty, integrity, and the rule of law do matter.

While I am in Cincinnati, I spend a lot of time visiting schools throughout my community. I taught the seventh and eighth grades back in Cincinnati. When I go there, I go to elementary schools, I go to junior highs, I go to high schools; and I have been doing this for a number of years. Do you know what is inevitably one of the questions that the kids will ask me almost every time? It is, ''Have you ever met the President of the United States?''

Now, why do kids ask that question? Because our kids understand how important the Office of the Presidency is. The person who occupies that office owes it to the children of this Nation to treat the office with respect. In the past, when those kids asked me that question, they asked me that question out of pride and respect. They looked up to the office. They looked up to everything the office represents. Bill Clinton has let our children down, and that is one of the greatest things that bothers me. It is the effect this will have on the children of this Nation.

Let me conclude with a statement that I received from a student, Juliette Asuncion, who is a student at Mother Mercy High School, who wrote to me recently:

> I am writing to express my feelings on the scandalous situation that has taken over the White House for the past couple of months. First, I would like to state the qualities that should be found in the President of the United States. Since the President is the official representative of the United States, he should uphold the values and ideals held by the people of this country. The President should be honest and a trustworthy person. He should be a good decision maker, have good morals and have his priorities straight. He should devote his time to the country and set a good example for the people of this Nation. I feel that President Clinton does not measure up to these standards. He's lied to the American people; he's committed perjury. For someone in his position, this is an unforgivable act, and he should not be allowed to just walk away without a punishment. He has shown that he feels he can go above the law, and I strongly believe the President should be impeached.

I conclude by telling you, when you cast your vote, you remember that by your vote you are determining the lesson that Julia, your children and grandchildren will learn. So how will this chapter end? The decision is yours.

I now yield to the gentleman from Georgia, ROBERT BARR.

The CHIEF JUSTICE. The Chair recognizes Mr. Manager BARR.

Mr. Manager BARR. Thank you, Mr. Chief Justice.

Distinguished and worthy adversarial counsel for the President, including my good friend and former Georgetown law professor, Charles Ruff, gentlemen and ladies of the Senate, my name is BOB BARR. I represent the Seventh District of Georgia, but in a broader sense I represent the country because I have been directed, as every one of the other 12 managers of the House has been directed by the American people, by a majority vote of the House of Representatives, to urge you to review the evidence and issue a verdict of conviction on the two articles of impeachment passed by the House of Representatives.

Two days ago, all of us celebrated the birthday of former President Ronald Reagan. During his first year in office, on May 17th, 1981, this president, known for giving voice to America's best and most decent instincts, spoke to the American people from Notre Dame University. Though spoken nearly 18 years ago, and clearly not in contemplation of an impeachment, the former President's words provide guidance for you here today.

It was that date that President Reagan spoke of a certain principle;

and in so doing, he quoted another giant of the 20th century, Winston Churchill. Specifically, President Reagan spoke of those who derided simple, straight-forward answers to the problems confronting our country; those who decried clarity and certainty of principle, in favor of vagueness and relativism. He said:

They say the world has become too complex for simple answers. They are wrong. There are no easy answers, but there are simple answers. We must have the courage to do what is morally right. Winston Churchill said that, ''the destiny of man is not measured by material computation. When great forces are on the move in the world, we learn we are spirits—not animals.'' And he said, ''there is something going on in time and space, and beyond time and space, which, whether we like it or not, spells duty.''

Duty. A clear, simple concept. A foundational principle.

Your duty is clearly set forth in your oath; your oath to do impartial justice according to the Constitution and the law.

In the past month, you have heard much about the Constitution; and about the law. Probably more than you'd prefer; in a dizzying recitation of the U.S. Criminal Code: 18 U.S.C. 1503. 18 U.S.C. 1505. 18 U.S.C. 1512. 18 U.S.C. 1621. 18 U.S.C. 1623. Tampering. Perjury. Obstruction. That is a lot to digest, but these are real laws and they are applicable to these proceedings and to this President. Evidence and law, you have seen it and you have heard it.

You've also seen and heard about straw men raised up by the White House lawyers, and then stricken down mightily. You've heard them essentially describe the President alternately as victim or saint. You've heard even his staunchest allies describe his conduct as ''reprehensible.'' Even some of you, on the President's side of the aisle, have concluded, ''there's no question about his having given false testimony under oath and he did that more than once.''

There has also been much smoke churned up by the defense.

Men and women of the Senate, Monica Lewinsky is not on trial. Her conduct and her intentions are not at issue here. Vernon Jordan is not on trial and his conduct and his intentions are not at issue here. William Jefferson Clinton is on trial here. His behavior, his intentions, his actions—these and only these are the issues here. When the White House lawyers raise up as a straw man that Vernon Jordan may have had no improper motive in seeking a job for Ms. Lewinsky; or that there was no formal ''conspiracy'' proved between the President and Vernon Jordan; or that Ms. Lewinsky says she did not draw a direct link between the President's raising the issue of a false affidavit and the cover stories, keep in mind, these are irrelevant issues. When the White House lawyers strike these theories down, even if you were to conclude they did, they are striking down nothing more than irrelevant straw men.

What stands today, as it has throughout these proceedings, are facts—a false affidavit that benefits the President, the coaching of witnesses by the President, the secreting of subpoenaed evidence that would have harmed the President, lies under oath by the President. These reflect President Clinton's behavior; President Clinton's intentions; President Clinton's actions; and President Clinton's benefit. Not through the eyes of false theories; but by the evidence through the lens of common sense.

You've heard tapes, and read volumes of evidence. Not pursuant to the process we as House Managers would have preferred, but much evidence nonetheless, has been presented.

Many are saying, with a degree of certainty that usually comes only from ignorance, that there's nothing I or any of us can say to you today, on the eve of your deliberations, to sway your minds. I beg to differ with them. Moreover, we have been directed by the people of this country, by a majority vote of the House of Representatives, to fulfill and reaffirm a constitutional process, and to present evidence to you, and argue to you.

There is much, in urging a vote for conviction, that can be gained by turning to, and keeping in mind, President Reagan's words to America, to do duty: Duty unclouded by relativism, unmarred by artificiality. Duty that lives on after your vote—just as America will live on and prosper after a vote to convict. Duty untainted by polls. The country's fascination with polls has wormed its way even into these proceedings when, just a few days ago, we heard one of the White House lawyers cite polls as a reason not to release the videotapes.

Polls played no role in the great decisions, decisive decisions that make America a nation and kept it a free and strong nation. Polls likewise played no role in the great trials of our nation's history that opened schools equally to all of America's children, or that provided due process and equal protection of the laws for all Americans, regardless of economic might or political power.

Yet, it is in many respects polls that threaten to become the currency of political discourse and even of judicial process as we near to enter the 21st century.

Your duty, which I know you recognize today, is and must be based not on polls or politics, but on law and the Constitution. In other words, principle.

What you decide in this case, the case now before you, will tell America and the world what it is we have, as a foundation for our Nation, not just today, but for ages to come. It will tell us and this Nation weather these seats here today will continue to be filled by true statesmen. Whether these seats will continue to echo with the booming principles, eloquence and sense of duty of Daniel Webster, John Calhound, Everett Dirksen, ROBERT BYRD. I would add to that list of statesmen my fellow Georgians and your former colleague, Sam Nunn, whose concern for duty and our Nation's security caused him recently on CNN to raise grave concerns over our Nation's security because of the reckless conduct of this President. Will the principles embodied in our Constitution and our laws be reaffirmed; wrested from the pallid hands of pollsters and pundits, and from the swarm of theorists surrounding these proceedings? Will they be taken up by you, and placed squarely and firmly back in the hands of Thomas Jefferson, Alexander Hamilton, James Madison, George Washington, Abraham Lincoln, Martin Luther King, Jr., and so many other true statesmen of America's heritage? Principles that have stricken down bigotry, tyrants, and demagogues; principles that, through open and fair trials, have saved the innocent from the hangman's noose; and likewise have sent the guilty, clothed in due process, to then ether regions.

It is principle, found and nurtured in our Constitution and our laws, that you are now called on to both use and reaffirm.

Not only America is watching, the world is, too. And, for those who say people from foreign lands look down on this process and deride this process, I say, ''not so.''

Let me speak briefly of a man not born in this country, but a man who has made this his country. A man born not in Atlanta, Georgia, though Atlanta is now his home. A man born many thousands of miles away, in Eritrea. A man to who President Reagan surely was in a sense speaking, both in 1981 when he spoke of America's eternal sense of duty, and in January 1985, when he spoke of the ''American sound'' that echoes still through the ages and the continents.

The man whose words I quote is a man who watches this process through the eyes of an immigrant, Mr. Seyoum Tesfaye. I have never met Mr. Tesfaye, but I have read his works. He wrote, in the Atlanta Journal and Constitution, just 3 days ago, on February 5th, that this impeachment process ''is an example of America at its best . . . a core constitutional principle that profoundly distinguishes America from almost all other nations.'' He noted without hyperbole, that this process, far from being the sorry spectacle that many of the President's defenders have tried to make it, truly ''is a hallmark of representative democracy,'' reaffirming the principle that ''no man is above the law—not even the President.''

These are not the words of the House Managers; though they echo ours.

These are not the words of a partisan.

These are the words of an immigrant. A man who came to America to study, and has stayed to work and pay taxes just as millions of us do every day.

Men and women of the United States Senate, you must, by affirming your duty to render impartial justice based

on the Constitution and the law, reaffirm those same laws and that very same Constitution, which drew Mr. Tesfaye and countless millions of other immigrants to our shores over the ages. This is not a comfortable task for any of us. But, as Martin Luther King, Jr., correctly noted, in words that hangs on my office wall, and perhaps on some of yours, it is not in ''times of comfort and convenience'' that we find the measure of a man's character, but in times of ''conflict and controversy.'' This is such a defining time.

Obstruction of justice and perjury must not be allowed to stand. Perjury and obstruction cannot stand alongside the law and the Constitution.

By your oath, you must, like it or not, choose one over the other, up or down, guilt or acquittal. I respectfully submit on behalf of the House of Representatives and on behalf of my constituents in the Seventh District of Georgia that the evidence clearly establishes guilt and that the Constitution and laws of this land demand it.

I thank the Members of the Senate and yield to Mr. Manager BUYER.

The CHIEF JUSTICE. The Chair recognizes Mr. Manager BUYER.

Mr. Manager BUYER. Thank you, Mr. Chief Justice.

Mr. Chief Justice, distinguished counsel and Senators, my name is STEVE BUYER, House manager, from Monticello, IN. I represent 20 counties between South Bend and Indianapolis. I will not try to claim the cornerstone of Hoosier common sense. Mr. Kendall would wrestle me for that cornerstone. But as a former criminal defense attorney, I want to take a moment and compliment the White House counsel and Mr. Kendall for doing your best to defend your client in the face of overwhelming facts and compelling evidence. (Laughter.)

Your role here—a side comment here—your role here is much easier, though, in a Court of Impeachment as opposed to a criminal court of law.

As a former Federal prosecutor, I compliment Chairman HENRY HYDE and my colleagues, the House managers, who have embraced and given life meaning of the rule of law and presented this case to the Senate in a professional, thorough, and dignified manner.

I assure you, the House managers would not have prosecuted the articles of impeachment before the bar of the Senate had we not had the highest degree of faith, belief and confidence that, based on the evidence, the President committed high crimes and misdemeanors which warrant his removal from office.

As you come to judgment, I recommend you square yourself with your duty first.

On January 7, I witnessed as the Chief Justice administered your oath to do impartial justice according to the Constitution and the laws. You should follow this prescription: Find the truth, define the facts, apply the law, give reverence to the Senate precedents while defending the Constitution. But I submit, it is the integrity of your oath in which you must regulate to uphold the principle of equal justice under the law.

During the question-and-answer phase with the Chief Justice on Saturday, January 23, I stood in the well of the Senate and recommended that you vote on findings of fact. I want to clear the record of my intent of the recommendation. It has been grossly distorted.

It is not to establish the guilt, as some have alleged. A finding of fact is not a finding of fiction. On the contrary, it is to prevent decisions by triers of fact from basing their judgment on fiction or chance or politics. The Chief Justice ruled that you are triers of fact, and since this constitutional proceeding of impeachment is more like a civil proceeding than a criminal trial, I bring to your attention rule 52 of the Federal Rules of Civil Procedure that provides, in pertinent part, that when a judge sits alone as a trier of fact, he or she is required to set down in precise words the facts as he or she finds them. This requirement is mandatory and cannot be waived by the parties of Federal practice.

A memorandum of findings of fact is not a radical concept to American jurisprudence. It is customary and habitually used in State and Federal courts all across this land. Since you sit collectively as a Court of Impeachment, as the triers of fact, I recommended the findings of fact to guarantee that you have carefully reviewed the evidence and have a rational basis for your final judgment.

To claim that findings of fact is unconstitutional is false. The Supreme Court has consistently permitted the Senate to shape the contours and the due process of an impeachment trial.

The Senate owes the American people and history an accounting of the stubborn facts.

I would like to comment on some statements.

I have heard some Senators state publicly that they are using the standard of beyond a reasonable doubt. But the Senate has held consistently that the criminal standard of proof is inappropriate for impeachment trials. The result of conviction in an impeachment trial is removal from office; it is not meant to punish. You are to be guided by your own conscience, not by the criminal standard of proof of beyond a reasonable doubt.

I have also heard some Senators from both sides of the aisle state publicly, ''I think these offenses rise to the level of high crimes and misdemeanors.'' To state publicly that you believe that high crimes and misdemeanors have occurred, but for some reason you have this desire not to remove the President, that desire, though, does not square with the law, the Constitution, and the Senate's precedents for removing Federal judges for similar offenses.

So long as William Jefferson Clinton is President, the only mechanism to hold him accountable for his high crimes and misdemeanors is the power of impeachment and removal. The Constitution is very clear. You cannot vindicate the rule of law by stating high crimes and misdemeanors have occurred, but leave the President in office subject to future prosecution after his term is expired.

Without respect for the law, the foundation of our Constitution is not secure. Without respect for the law, our freedom is at risk.

The President is answerable for his alleged crimes to the Senate here and now.

Moreover, if criminal prosecution and not impeachment is the way to vindicate the rule of law, then the Senate would never have removed other civil officers such as Federal judges, who are not insulated from criminal prosecution while holding office.

Thus, in providing for criminal punishment after conviction and removal from office, it was the framers who insured that the rule of law would be vindicated both in cleansing the office and in punishing the individual for the criminal act.

I have asked myself many times how allowing a President to remain in office while having committed perjury and obstruction of justice is fair to those across the country who are sitting in jail for having committed the same crimes. I have had the fairness argument thrown into my face consistently.

Fairness is important. Fairness is something that is simple in its nature and is powerful in the statement that it makes. A statement which you send carries us into tomorrow and becomes our future legacy.

If you vote to acquit, think for a moment about what you would say to those who have been convicted of the same crimes as the President.

What would you say to the 182 Americans who were sentenced in Federal court in 1997 for committing perjury?

What would you say to the 144 Americans who were sentenced in Federal court in 1997 for obstruction of justice and witness tampering?

Would you attempt to trivialize the evidence and say, ''This case was only about lying about sex''?

I want to cite the testimony before the House Judiciary Committee of one woman who experienced the judicial system in the most personal sense, and that is the testimony of Dr. Barbara Battalino. I think it is compelling.

She held degrees in medicine and law, and Manager ROGAN showed some of the testimony just the other day. You see, she was prosecuted by the Clinton Justice Department and convicted for obstruction of justice because of her lie under oath about one act of consensual oral sex with a patient on VA premises. Her untruthful response was made in a civil suit which was later dismissed. In a legal proceeding, Dr. Battalino was

asked under oath: ''Did anything of a sexual nature take place in your office on June 27, 1991?''

Her one word reply, ''No,'' convicted her and forever changed her life.

Her punishment? She was convicted of a felony, forced to wear an electronic monitoring device, and is presently on probation. She lost her license to practice medicine and her ability to practice law.

Our prisons hold many who are truly contrite, they are sorry, they feel pain for their criminal offenses, and some whose victims have even forgiven them, others who were very popular citizens and had many friends and apologized profusely, but they were still held accountable under the law.

Just like the President is acclaimed to be doing a good job, many in prison today were doing a good job in their chosen professions. None of our laws provides for good job performance, contrition, forgiveness, or popularity polls as a remedy for criminal conduct.

These were the closing lines of Dr. Battalino's opening statement before the House Judiciary Committee:

> We all make mistakes in life. But, common frailty does not relieve us from our responsibility to uphold the Rule of Law. Regardless, this nation must never let any person or people undermine the Rule of Law. . . . If liberty and justice for all does not reign, we—like great civilizations before us—will surely perish from the face of the earth.

What you would say to Dr. Battalino and others similarly situated is very important because fairness is important.

Alexander Hamilton, writing not long after the Constitution was adopted, well expressed the harm that would come to our Republic from those who, by example, undermine respect for the law. In a statement that bears repeating, Hamilton wrote:

> If it were to be asked, What is the most sacred duty and the greatest source of security in a Republic? The answer would be, an inviolable respect for the Constitution and Laws—the first growing out of the last. . . . Those, therefore, who . . . set examples, which undermine or subvert the authority of the laws, lead us from freedom to slavery; they incapacitate us from a government of laws. . . .

President Clinton, by his persistent and calculated misconduct and illegal acts, has set a pernicious example of lawlessness, an example which, by its very nature, subverts respect for the law. His perverse example inevitably undermines the integrity of both the office of the President and the judicial process.

You see, ladies and gentlemen, without choice we were all born free, and we inherited a legacy of liberty at great sacrifice by many who have come before us. We cannot collectively as a free people enjoy the liberties without measured personal restraint. And that is the purpose of the rule of law. It is the function of the courts to uphold the dignity of that prescription and the God-given liberties of all of us. That is how we are able to carry this Nation forward in the future generations.

So in light of the historic principles regarding impeachment, the overwhelming evidence to the offenses alleged, and the application of the Senate precedents, I believe it makes it very clear that our President—who has shown such contempt for the law, the dignity and the integrity of the office of the Presidency that was untrusted to him—must be held to account; and it can only be by his removal from office.

The House managers reserve the remainder of our time.

The CHIEF JUSTICE. Very well.

The Chair recognizes the White House counsel.

Mr. Counsel RUFF. Mr. Chief Justice, thank you.

I wonder, Mr. Majority Leader, whether we might take a brief break because there is going to need to be some rearrangement of furniture here.

The CHIEF JUSTICE. The Chair recognizes the majority leader.

Mr. LOTT. I was hesitant to suggest it too early today, Mr. Chief Justice. (Laughter.)

RECESS

Mr. LOTT. But on the request of counsel, I ask unanimous consent we take a 10-minute recess. And please return quickly to the Chamber so we can get back to business.

There being no objection, at 2:12 p.m. the Senate recessed until 2:35 p.m.; whereupon, the Senate reassembled when called to order by the Chief Justice.

The CHIEF JUSTICE. The Chair recognizes Mr. White House Counsel Ruff.

Mr. Counsel RUFF. Thank you, Mr. Chief Justice. Mr. Chief Justice, managers of the House, ladies and gentlemen of the Senate, I can't resist beginning, following the lead of my colleagues across the well here, by telling you that my name is Charles Ruff and I am from the District of Columbia, and we don't have a vote in the Congress of the United States. (Laughter.)

I truly did not intend to begin quite this way, but I must. I don't think there is a court in the land where a prosecutor would be able to stand up for one-third of his allotted time, speak in general terms about what the people are entitled to and what the rule of law stands for—as important as all of that may be—and sit down and turn to the defense counsel and ask that defense counsel go forward, reserving 2 hours for rebuttal. I recognize that procedural niceties have not necessarily characterized the way this trial has gone forward. But I do believe—and this is the only time today I will say this, I promise—that kind of prosecutorial gambit is symptomatic of what we have seen before in these last weeks—wanting to win too much.

Now, that said, let me begin where I intended to begin. We are taking the last steps along a path that, for most of us, has seemed to be unending. Indeed, some of us may have a sense that we have gone well beyond ''Yogi Berra land'' to deja vu all over again and all over again and all over again. I thought long and hard as I thought about what I was going to say today, and how I could be of most help to you as you make this momentous decision that will soon be entrusted to you. I momentarily considered whether the answer to that question was simply to yield back my time, but I weighed that against the special pleasure of stretching out our last hours with you. (Laughter.)

Or as Ernie Banks would have said, ''It's such a nice day, let's play two.'' (Laughter.)

But cursed as I am with lawyerly instincts, I decided to compromise. I promise you as much brevity as I can manage, even if not much wit, while making a few final points that I think you need to carry with you as you go into your deliberations.

Now, you have heard the managers' vision—or at least some part of it—of the process we have been engaged in and the lessons we have learned and what it will look like at the end of our journey. I respect them as elected Representatives of their people and as worthy adversaries. But I believe their vision could be too dark, a vision too little attuned to the needs of the people, too little sensitive to the needs of our democracy. I believe it to be a vision more focused on retribution, more designed to achieve partisan ends, more uncaring about the future we face together.

Our vision, I think, is quite different, but it is not naive. We know the pain the President has caused our society and his family and his friends. But we know, too, how much the President has done for this country. And more importantly, we know that our primary obligation, the duty we all have, is to preserve that which the founders gave us, and we can best fulfill that duty by carefully traveling the path that they laid out for us.

Now, you have heard many speeches over the past few weeks about high crimes and misdemeanors. As I look back on the arguments and the counterarguments, it seems to me that really very little can be gained by repeating them; for when all is said and done, what they mean is this: The framers chose stability. They made impeachment and removal constitutional recourses of last resort. The question that the managers appear to have asked—and I am unable to tell you what they will ask today—is whether perjury or obstruction of justice in the abstract are impeachable offenses. That is not the question you must answer.

Nor must you assume, as the managers appear to, that because judges are removed for having committed perjury, a President must be removed as well. That is not what the rule of law requires. The rule of law and even-handed justice is something more than a simple syllogism. You must decide whether on these facts arising out of these circumstances this President has

so endangered the state that we can no longer countenance his remaining in office.

I think in their hearts the managers do not truly disagree. Whatever they have been able to glean from the historical record or more modern scholarship, they cannot in the end avoid the conclusion that removal of the President is not something that the framers took lightly. Indeed, two of their own witnesses in the Judiciary Committee, Professor Van Alstyne and Judge Wiggins, tried to make it clear to them that even if they were to find that the offenses described in the independent counsel's referral as being committed, another decision had to be made. That decision was whether in the interest of society the President should be impeached. As Professor Van Alstyne put it, in words, that I admit are unflattering to my client but nonetheless makes the point: ''In my own opinion,'' he said, ''I regard what the President did, that which the Special Counsel report declared, are crimes of such a low order that it would unduly flatter the President by submitting him to trial in the Senate, I would not bother to do it.''

I read that statement to you, not obviously because the professor and I are on the same side of the political divide or have the same view of the President's conduct, but because it is important, I think, to understand, as I fear the managers do not, that the framers full well understood what they were doing when they drafted the impeachment provision of the Constitution. They consciously chose not to make all misconduct by the President a basis for removal; they chose instead only that conduct that they viewed as most serious, as most dangerous, to our system of government.

As I said, I think in their hearts the managers recognize the force of it. But they have argued to you that perjury and obstruction really should be treated as the equivalent of treason and bribery and the danger that they pose to our society. They have offered on this much rhetoric and a few substantive arguments. And I want to look at just a few of these arguments as they were advanced in the managers' opening and not really addressed instead.

First, a historical item, that Blackstone in his commentary listed bribery and perjury and obstruction of justice under the same heading of ''offenses against public justice''; second, a modern statutory equivalent of that argument that under the sentencing guidelines we actually treat perjury more severely than we do bribery; and, third—this is a theme you have heard throughout these proceedings, what I will call the ''system of justice argument''—that the President's conduct, if he is not removed, will somehow subvert enforcement of our civil rights laws.

But all of these arguments are mere subterfuge, offered because the managers knew that to make any plausible case for removal they must bring these articles within the very small circle of offenses that the framers believed were truly dangerous to the state.

First, Blackstone: It is true that the commentaries rate perjury as among 21 offenses against public justice. Notably, however, Blackstone ranks the 21 in order of seriousness, or, as he puts it, ''malignity.'' No. 1 on the list, a most malignant offense, is a felony that I have to admit is unknown to me—that of vacating records. No. 6 is returning from transportation, also an offense rarely seen in our modern society. Nos. 10 and 12 are barratry, maintenance and champerty, especially dear to me because they involve my profession, but rarely viewed these days, I think you will agree. And, at No. 15 is perjury.

If, as Madison told us, Blackstone was in the hands of every man, what does that tell us about why the framers chose treason and bribery and other high crimes and misdemeanors as the grounds of impeachment? It tells us that they fully understood that comparative gravity of offenses against public justice, and, nonetheless, chose only those that truly pose that danger to the state—treason, for obvious reasons, and bribery because to them the risk that the executive would sell himself to a foreign country, for example, was much more than mere speculation. And then other high crimes of similar severity.

As to the lesson to be learned from the more modern day, the sentencing guidelines, Manager MCCOLLUM argued to you a few weeks ago that those to whom you have given the responsibility to assess the comparative severity of crimes have concluded that perjury is at least as serious a crime as bribery. That decision, he told you, is evidenced by the commission's decision to assign perjury an offense level of 12, or approximately 1 year in prison, and to bribery an offense level slightly below that. But even to the extent that such an argument were to be weighed in the constitutional balance, Manager MCCOLLUM was simply not being candid with you, for he failed to explain that under these same guidelines a bribe of, let's say, $75,000 taken by an elected official, or a judge for that matter, automatically carries an offense level of 24, or twice that of perjury, and a prison sentence four to five times longer.

The drafters of our guidelines, to the extent that Mr. MCCOLLUM asked you to look at them, full well understand the special gravity of bribes taken by the country's leaders, and to distinguish that offense from the offenses, even at best, that are before you now.

Lastly is this system of justice argument—the notion that somehow President Clinton has undermined our civil rights laws. Well, whatever I might say could not match the eloquence of my colleague, Ms. Mills, and, therefore, I will not attempt fate by venturing further into that territory.

I really do not want to become further immersed in the minutia here. On this. I do agree with the managers. We cannot lose sight of the constitutional forest for some of the analytical trees.

There is only one question before you, albeit a difficult one, one that is a question of fact, and of law and constitutional theory. Would it put at risk the liberty of the people to retain the President in office? Putting aside partisan animus, if you can honestly say that it would not, that those liberties are safely in his hands, then you must vote to acquit.

Each of you has a sense of this in your mind and your heart better than anything I can convey, or I suspect anything better than my colleagues could convey to you. And I will not undertake to instruct you further on this issue.

Just as we ultimately leave that question in your hands, we leave to the conscience of each Member the question of what standard of proof you apply. Despite Congressman BUYER's exhortation to the contrary, this body has never decided for any of you what standard is appropriate or what standard is inappropriate. Each Senator is left to his or her own best judgment.

I suggested to you when I last spoke to you that I believe you must apply a standard sufficiently stringent to enable you to make this most important decision with certainty and in a manner that will ensure that the American people understand that it has been made with that certainty.

This is not an issue as to which we as a people and we as a Republic can be in doubt.

Let me move to the articles. Just as you have listened patiently to our debate about the meaning of ''high crimes and misdemeanors,'' you have, as well, heard seemingly endless discourse about the specific details of the various matters that the managers allege constitute grounds for removal. I will strive, therefore, not to be unduly repetitive more than is at least absolutely necessary.

My colleagues, last Saturday and in their earlier presentations, have done my work for me, but I want to focus for just a little while on those aspects of the managers' presentation that merit your special attention or those that have been particularly elucidated or, for that matter, beclouded by the testimony you heard and watched on Saturday.

As we start this discussion, let me offer you a phrase that I hope you will remember as I move through the articles with you. That phrase is ''moving targets and empty pots.'' ''Moving targets,'' ever-shifting theories, each one advanced to replace the last as it has fallen, fallen victim to the facts. ''Empty pots,'' attractive containers, but when you take the lid off you find nothing to sustain them.

Now, I used the term, ''empty vessels,'' in my opening presentation, but it since struck me that that was much too flattering and might even suggest that they had the capacity to float, which they don't.

Article I, the first moving target. Now, as we have said repeatedly, we have been more than a little puzzled as to the exact nature of the charges advanced by the managers under the rubric of article I, and our puzzlement has only increased, I must tell you, since this trial began.

We have argued, I think with indisputable force, that both articles are so deficient that they would not survive a motion to dismiss in any court in the land. Now, we are not insensitive to the claim that we are advancing some lawyer's argument, and we are seeking some technical escape, but I urge you not to treat this issue so lightly. As you look to article I, for example, ask yourselves whether you can at this late moment in the trial identify for yourselves with any remote sense of certainty the statements that the managers claim were perjurious.

I suspect you will hear a lot about that in the 2 hours following my presentation, but I will try to look ahead just a bit.

Ask yourselves whether you are comfortable in this gravest of proceedings that when you retire to your deliberations you could ever know that the constitutionally required two-thirds vote is present on any one charge.

Now, we have been making this argument for some time and with some frequency, and so you would think that at least once the trial began the managers would have fixed on some definable set of charges. But, no. Indeed, it struck me even earlier this afternoon that when Manager SENSENBRENNER rose to speak to you, he was prepared to give you four examples of perjury. We have heard a lot of examples. We haven't heard much certainty.

Now, just to give you an example of how rapidly the target can move, you will recall that in describing the incidents of perjury allegedly committed by the President, the managers made much of the preliminary statement he read to the grand jury, including the use of the words ''occasionally,'' and ''on certain occasions'' to describe the frequency of certain conduct and made the general allegation that the statement was itself part of a scheme to deceive the grand jury.

Yet, strangely, when Mr. Manager ROGAN was asked about these very charges as late as January 20, he quite clearly abandoned them.

I direct your attention to the exhibits before you and to the charts. Appearing on television on January 20, with Chris Matthews, this is what transpired:

MATTHEWS. . . . now defend these—these elements—one, that the president lied when he said he had had these relationships with her on certain occasions. Is that the language?

Rep. ROGAN. That is the . . .

MATTHEWS. And—and why is that perjurious—perjurious?

Rep. ROGAN. In fact, I'm not—I don't think it's necessarily perjurious. That is—that's one little piece of this answer that he gave at the grand jury. . . .

* * * * *

MATTHEWS. Well, another time he used a phrase with regard to this ridiculous thing called phone sex, he referred to it as occasionally or on occasion. Why do you add them in as part of the perjury indictment?

Rep. ROGAN. That's not added in as part of the perjury indictment in Article I. I simply raised that issue when I was addressing the Senate.

* * * * *

MATTHEWS. You better get to those senators because I think they made the mistake I did of thinking that was one of the elements in the perjury charge.

And similarly over here, although I have reversed the order a bit:

MATTHEWS. . . . Go through what you think are the main elements in your perjury indictment of the president, impeachment. . . .

Rep. ROGAN. One of the things they were focusing on is a point, I think, I made last week when I was presenting the case for perjury dealing with that preliminary statement that the president read that just really gave the grand jury a misperception of what the president's relationship was with Monica Lewinsky. Now I never said that was the basis for the perjury charge. In fact, that's not even one of the four areas that's alleged, but they're trying to pick these little dots out of the matrix and try to hang their hat on that. . . .

I have to tell you, as did Mr. Matthews, I made the same mistake. I heard Manager ROGAN say:

This prepared statement he read to the grand jury on August 17th, 1998, was the linchpin in his plan to ''win.''

I heard him say:

It is obvious that the reference in the President's prepared statement to the grand jury that this relationship began in 1996 was intentionally false.

I heard him say:

The President's statement was intentionally misleading when he described being alone with Ms. Lewinsky only on certain occasions.

And I heard him say:

The President's statement was intentionally misleading when he described his telephone conversations with Monica Lewinsky as occasional.

That is what I heard when Manager ROGAN spoke to you a few weeks ago.

Now, I know it is unusual to be given a bill of particulars on television, but maybe that is part of the modern litigation age.

And so as to article I's charge, now that this is off the books, that the President perjured himself concerning his relationship with Ms. Lewinsky, we are once again left with the claim that he lied about touching, about his denial that he engaged in conduct that fell within his subjective understanding of the definition used in the Jones deposition—this in the course of testimony, Members of the Senate, in which the President had already made the single most devastating admission that any of us can conceive of. It defies common sense. And as any experienced prosecutor—and five experienced prosecutors said this to the Judiciary Committee—will tell you, it defies real world experience to charge anyone, President or not, with perjury on the grounds that you disbelieve his testimony about his own subjective belief in the definition of a term used in a civil deposition.

Nothing in the evidentiary record has changed since the OIC referred this matter to the House 6 months ago. Indeed, it is impossible to conceive what could change in the evidentiary record. And the managers have offered this charge and persist in it for reasons not entirely clear to me, but some blind faith that they must go forward, facts or no.

Now, there are three other elements of article I. First, the allegation that the President lied when he claimed he did not perjure himself in the Jones deposition. The President, of course, made no such representation in the grand jury.

And the managers cannot, no matter how they try, resurrect the charges of the article, then, article II, that was so clearly rejected by the House of Representatives. Yet, if you listen to their presentations over the past weeks, it becomes evident that, whether intentionally or unintentionally, they themselves have come to the point where the President's testimony on January 17 in the Jones deposition and August 17 in the grand jury are treated as though they were one and the same.

Now, just a few minutes ago you heard Manager GEKAS talk to you about perjury, and probably 90 percent of what he talked to you about was perjury in the Jones case—in the Jones case. It doesn't exist anymore. The House of Representatives determined that that was not an impeachable offense. It appears to make no difference, though, that the House rejected this charge, for the managers do continue to dwell on it as though somehow they could show the House from which they came that they made a mistake.

Only last Saturday, Manager GRAHAM could be heard decrying the President's claim that he had never been alone with Monica Lewinsky, something that comes not out of the grand jury but out of the Jones deposition, at the same time he was taking him to task for his disquisition on the word ''is,'' something that is in the grand jury but is entirely irrelevant to these perjury charges. You could even see it in their videotape presentation last Saturday when snippets from January 17, then August 17, were played without any definition and without any sense that there was any distinction between the two events.

There is literally nothing in the President's grand jury testimony that purports to adopt wholesale his testimony in the Jones deposition. If anything, it is evident that he is explaining at length and clarifying and adding to his deposition testimony. Indeed, even if the original article II had survived, the President's belief that he had ''worked through the minefield of the Jones deposition without violating the law''—which is a quote from his grand jury testimony—could not allow

the managers, somehow, to establish that that statement was independently perjurious, and they surely cannot do so now that the original article II has disappeared.

Now, as to the second and third remaining elements of article I, that the President lied about Mr. Bennett's statement to Judge Wright at the time of the Jones deposition, and that he lied about his own statements to his staff, I will deal with them in my discussion of the obstruction charges in article II. Suffice it to say that nothing in the record as it came to you in January could support conviction on article I, and nothing added to the record since then has changed that result.

Let me move to article II. Manager HUTCHINSON told you in his original presentation that article II rested on—his words —''seven pillars of obstruction.'' I had suggested in my opening statement of a few weeks ago that it would be more accurate to call them seven shifting sand castles of speculation, but Manager HUTCHINSON has not proved willing to accept my description and so I will accept his. Let's remove one pillar right at the start.

Article II charges that the President engaged in a scheme to obstruct the Jones case—the Jones case—and alleges as one element of this scheme that in the days following January 21 the President lied to his staff about his relationship with Ms. Lewinsky, conduct that could not possibly have had anything to do with the Jones litigation.

I will get to the merits of that charge standing alone in a little while, but I bring up the more—forgive me—technical argument here, to highlight once more the extent to which the House simply ignored the most basic legal principles in bringing these charges to you. I have yet to hear from the managers a single plausible explanation for the inclusion of this charge as part of a scheme to obstruct the Jones litigation, and I can think of none. I am sure that in the 120 minutes remaining to them, some portion of that time will be spent explaining just this point. And, so, one pillar gone; a slight list observed.

Next: Ms. Lewinsky's affidavit and the first of the empty pots. The managers charge that the President corruptly encouraged a witness to execute a sworn affidavit that he knew to be perjurious, false, and misleading, and similarly encouraged Ms. Lewinsky to lie if she were ever called as a witness. In my opening statement, and in Mr. Kendall's more detailed discussion, we made two points: First, that Ms. Lewinsky had repeatedly denied that she had ever been asked or encouraged to lie; and, second, that there was simply no direct or circumstantial evidence that the President had ever done such a thing.

Now, it is not in dispute that the President called Ms. Lewinsky in the early morning of December 17 to tell her about the death of Betty Currie's brother, and in the same call that he told her that she was now listed on the Jones witness list. The managers have from the beginning relied on one fact and on one baseless hypothesis stemming from this call which, in the managers' minds, was the beginning and the middle and the end of the scheme to encourage the filing of a false affidavit. There is literally no other event or statement on which they can rely.

The one fact to which the managers point is Ms. Lewinsky's testimony that the President said that if she were actually subpoenaed, she possibly could file an affidavit to avoid having to testify, and at some point in the call mentioned one of the so-called cover stories that they had used when she was still working at the White House—that is, bringing papers to him. And it is on this shaky foundation, a very slim pillar indeed, that the managers build the hypothesis.

In the face of the seemingly insurmountable hurdle of Ms. Lewinsky's repeated denials that anyone ever asked or encouraged her to lie, the managers have persisted in arguing, and continue to do so, that the President did somehow encourage her to lie, even if she didn't know it. Now you have heard that theme sounded really for the first time on Saturday, and then a little bit today—even if she didn't know it, because both really understood that any affidavit Ms. Lewinsky would file would have to be false if it were to result in her avoiding her deposition. But neither the fact on which they rely nor their hypothesis was of much help to the managers before Ms. Lewinsky's deposition and neither, surely, has any force after her deposition.

After you saw Ms. Lewinsky's testimony, there can be nothing left of what was, at best, only conjecture. Even before her deposition, Ms. Lewinsky had testified, as had the President in the grand jury, that given the claims being made in the Jones case, a truthful albeit limited affidavit might—might—establish that Ms. Lewinsky had nothing relevant to offer in the way of testimony in the Jones case.

Faced with this record, the managers asked you to authorize Ms. Lewinsky's deposition, representing that she would—and I quote, and this is from the managers' proffer—''rebut the following inferences drawn by White House counsel on key issues, among others that President Clinton did not encourage Ms. Lewinsky to file a false affidavit and that President Clinton did not have an understanding with Ms. Lewinsky that the two would lie under oath.''

Unhappily for the managers—and perhaps their unhappiness was best reflected in the tone of Manager BRYANT's discussion on this subject—Ms. Lewinsky's testimony, as you saw yourself on Saturday, did just the opposite.

In an extended colloquy with Mr. Manager BRYANT on the subject of the affidavit, Ms. Lewinsky made clear, beyond any doubt, first, that the President had never discussed the contents of the affidavit with her; second, that there was no connection between the suggestion that she might file an affidavit and the reference to any cover story; third, that she believed it possible to file a truthful affidavit.

You saw much of this portion of Ms. Lewinsky's deposition on Saturday, and I am not going to impose too much on your patience, but I do want to play just a very few segments of that videotape.

First, two segments dealing with the content of the affidavit.

(Text of videotape presentation:)

Q Are you, uh—strike that. Did he make any representation to you about what you could say in that affidavit or—

A No.

Q What did you understand you would be saying in that affidavit to avoid testifying?

A Uh, I believe I've testified to this in the grand jury. To the best of my recollection, it was, uh—to my mind came—it was a range of things. I mean, it could either be, uh, something innocuous or could go as far as having to deny the relationship. Not being a lawyer nor having gone to law school, I thought it could be anything.

Q Did he at that point suggest one version or the other version?

A No. I didn't even mention that, so there, there wasn't a further discussion—there was no discussion of what would be in an affidavit.

* * * * *

Q In his answer to this proceeding in the Senate, he has indicated that he thought he had—might have had a way that he could have you—get you to file a—basically a true affidavit, but yet still skirt these issues enough that you wouldn't be called as a witness.

Did he offer you any of these suggestions at this time?

A He didn't discuss the content of my affidavit with me at all, ever.

Next, a couple of brief segments on the issue of the cover stories.

(Text of videotape presentation:)

Q Well, based on prior relations with the President, the concocted stories and those things like that, did this come to mind? Was there some discussion about that, or did it come to your mind about these stories—the cover stories?

A Not in connection with the—not in connection with the affidavit.

* * * * *

Q Did you discuss anything else that night in terms of—I would draw your attention to the cover stories. I have alluded to that earlier, but, uh, did you talk about cover story that night?

A Yes, sir.

Q And what was said?

A Uh, I believe that, uh, the President said something—you can always say you were coming to see Betty or bringing me papers.

Q I think you've testified that you're sure he said that that night. You are sure he said that that night?

A Yes.

Q Now, was that in connection with the affidavit?

A I don't believe so, no.

* * * * *

Now, you have testified in the grand jury. I think your closing comments was that no

one ever asked you to lie, but yet in that very conversation of December the 17th, 1997 when the President told you that you were on the witness list, he also suggested that you could sign an affidavit and use misleading cover stories. Isn't that correct?

A Uh—well, I—I guess in my mind, I separate necessarily signing affidavit and using misleading cover stories. So, does—

Q Well, those two—

A Those three events occurred, but they don't—they weren't linked for me.

And third, a brief segment on the supposed falsity of any affidavit that might be filed.

(Text of videotape presentation:)

Q The night of the phone call, he's suggesting you could file an affidavit. Did you appreciate the implications of filing a false affidavit with the court?

A I don't think I necessarily thought at that point it would have to be false, so, no, probably not. I don't—I don't remember having any thoughts like that, so I imagine I would remember something like that, and I don't, but—

And last, if we might, a brief segment on the question of whose best interests were being served.

(Text of videotape presentation:)

Q But you didn't file the affidavit for your best interest, did you?

A Uh, actually, I did.

Q To avoid testifying.

A Yes.

Brief, put pointed, I think, and I am sure you remember them from Saturday, and I am sure you will take those excerpts with you as you move into your deliberations.

There was another issue that surfaced early on, although perhaps it has dissipated, and that is whether the President ever saw a draft of Ms. Lewinsky's affidavit, something that the managers alleged early on but, indeed, as we now know from that testimony, not only did nobody ever see a draft of the affidavit, the President and Ms. Lewinsky never even discussed the content of her affidavit. ''Not ever,'' as she put it, either on December 17 or on January 5 or on any other date. According to Ms. Lewinsky, the President told her he didn't need to see a draft because he had seen other affidavits.

Early on, Manager MCCOLLUM speculated for you—speculated for you—that when the President told Ms. Lewinsky that he didn't need to see her affidavit because he had seen other affidavits, he really must have meant that he had seen previous drafts of hers, and this is what he said:

I doubt seriously the President was talking about 15 other affidavits of somebody else and didn't like looking at affidavits anymore. I suspect, and I would suggest to you, that he was talking about 15 other drafts of this proposed affidavit, since it had been around the horn a lot of rounds.

That is what Manager MCCOLLUM told you. Now we know that those drafts didn't exist. They never existed. How do we know? Somewhat belatedly, the managers got around to telling us that. In describing the testimony they would expect to receive from Ms. Lewinsky when they moved for the right to take her deposition, they wrote in their motion:

That same day, January 5, she called President Clinton to ask if the President would like to review her affidavit before it was signed. He declined, saying he had already seen about 15 others. She understood that to mean that he had seen 15 other affidavits rather than 15 prior drafts of her affidavit (which did not exist).

In sum, one, the only reference to an affidavit in the December 17 call was the suggestion of the President that filing one might possibly enable Ms. Lewinsky to avoid being deposed, itself an entirely legitimate and proper suggestion.

Two, the President and Ms. Lewinsky never discussed the content of her affidavit on or after December 17.

Three, the President never saw or read any draft of the affidavit before it was signed.

Four, the President believed that she could file a true affidavit.

Five, Ms. Lewinsky believed that she could file a true affidavit.

Six, there is not one single document or piece of testimony that suggests that the President encouraged her to file a false affidavit.

If there is no proof the President encouraged Ms. Lewinsky to file a false affidavit, surely there must be some proof on the other charge that encouraged her to give perjurious testimony if she were ever called to testify. Well, there isn't.

Let's begin by noting something that should help you assess the President's actions during this period—both the charge that he encouraged the filing of a false affidavit and the charge that he encouraged Ms. Lewinsky to testify falsely.

The conversation that the managers allege gave rise to both offenses is that call of the early morning of December 17. The managers suggest that the President, in essence, used the subterfuge of a call to inform Ms. Lewinsky about the death of Ms. Currie's brother to discuss her status as a witness in the Jones case. Subterfuge? Come on. A tragedy had befallen a woman who was Ms. Lewinsky's friend and the President's secretary.

But let's put this in the managers' own context. On December 6, the President learned that Ms. Lewinsky was on the Jones witness list. According to the managers, that was a source of grave concern and spurred intensified efforts to find her a job—efforts that were still further intensified when, on December 11, Judge Wright issued her order allowing lawyers to inquire into the President's relationships with other women. Yet, I have not heard any explanation as to why the President, now theoretically so distraught that he was urging Mr. Jordan to keep Ms. Lewinsky happy by finding her a job, as Manager HUTCHINSON would have it, waited until December 17—11 days after he learned Ms. Lewinsky was on the witness list and 6 days after the supposedly critical events of December 11—to call and launch his scheme to suborn perjury.

Now, as to the charge of subornation, the managers do concede, as they must, that the President and Ms. Lewinsky did not even discuss her deposition on the 17th, logically, I suppose, since she wasn't actually subpoenaed until 2 days later.

Now, one might think that this would dispose of the matter, since they do not identify a single other moment in time when there was any discussion of Ms. Lewinsky's potential testimony. But once again, having lifted the lid and seen that their pot was empty, they would ask you to find that the same signal that we now know did not encourage the filing of an affidavit was a signal to Ms. Lewinsky to lie if she was ever called to testify. But of course we have long known that there was no such signal. And the grand jury—as was so often the case, one of the jurors took it upon him or herself to ask that which the independent counsel chose not to. And you have this before you. And you have seen it before.

A JUROR: It is possible that you also had these discussions [about denying the relationship] after you learned that you were a witness in the Paula Jones case?

[MS. LEWINSKY]: I don't believe so. No.

A JUROR: Can you exclude that possibility?

[MS. LEWINSKY]: I pretty much can. I really don't remember it. I mean, it would be very surprising for me to be confronted with something that would show me different, but I—it was 2:30 in the—I mean, the conversation I'm thinking of mainly would have been December 17th, which was—

A JUROR: The telephone call.

[MS. LEWINSKY]: Right. And it was—you know, 2:00, 2:30 in the morning. I remember the gist of it and I—I really don't think so.

A JUROR: Thank you.

But all of this is not enough to dissuade the managers.

Now that they know that the only two participants in the relevant conversation denied that there was any discussion of either the affidavit or the testimony, they have created still another theory. As Manager BRYANT told you last week—and in essence it was repeated today—''I don't care what was in Ms. Lewinsky's mind.''

Well, that is quite extraordinary. The only witness, the supposed victim of the obstruction, the person whose testimony is being influenced, says that it didn't happen. And the managers nonetheless want you to conclude, I assume, that some subliminal message was being conveyed that resulted in the filing of a false affidavit without the affiant knowing that she was being controlled by some unseen and unheard force. I won't comment further. Two more pillars lie in the dust.

Next, the gifts. On this charge, the record is largely, but in critical respects not entirely, as the record has been from the beginning. Here is what it shows.

On the morning of December 28, the President gave Ms. Lewinsky Christmas presents in token of her impending departure for New York. Ms. Lewinsky testified that she raised the subject of her subpoena and said something about getting the gifts out of her apartment, to which she herself has now told you

the President either made no response or said something like, ''Let me think about it.''

Betty Currie testified consistently that Ms. Lewinsky called her to ask her to pick up a box and hold them for her. Ms. Lewinsky has testified equally consistently, and testified again in her deposition, that it was her recollection that Ms. Currie called her and said that she understood she ''had something for her'' or perhaps even the President said, ''You have something for me.'' The President denies that he ever spoke to Betty Currie about picking up gifts from Monica Lewinsky. Betty Currie denies that the President ever asked her to pick up gifts from Monica Lewinsky.

Now, Ms. Lewinsky has stated on three occasions before her most recent deposition that Ms. Currie picked up the gifts at 2 o'clock in the afternoon on the 28th. Having been shown the infamous 3:32 cell phone call, which had previously been trumpeted by the managers as absolute proof that it was Ms. Currie who called Ms. Lewinsky, who initiated the process, Ms. Lewinsky testified on Monday that Ms. Currie came to pick up the gifts sometime during the afternoon and that there had been other calls earlier in the day.

But we learned at least a couple of interesting new things from Ms. Lewinsky on this subject.

First, when she received her subpoena on December 19, 9 days —9 days— before she spoke to the President about them, Ms. Lewinsky was frightened at the prospect that the Jones lawyers would search her apartment, and she began to think about concealing the gifts that she cared most about that would suggest some special relationship with the President. And as she told you, she herself decided then that she would turn over only what she described as the most innocuous gifts, and it was those gifts that she took with her to see her lawyer, Mr. Carter, on December 22.

Thus, when she arrived to pick up her Christmas gifts from the President on December 28, she had already decided that she would not turn over all the gifts called for by the subpoena and had already segregated out the ones she intended to withhold. But she didn't tell the President about that. Instead, as she testified, she broached the question of what to do with the gifts and the possibility of giving them to Betty Currie, again without describing what had already occurred, to which the President either made no reply or said something like, ''I'll think about it.''

This testimony sheds light on one of the issues that has troubled everyone who has tried to make sense out of what happened on that day. Why would the President, if he were really worried about Ms. Lewinsky's turning over gifts pursuant to the subpoena, give her more gifts? From our perspective, the answer has always been an easy one. He wouldn't have been concerned. He's testified that he's not concerned about gifts, that he gives them all the time to all sorts of people, and he wasn't worried about it.

Now, we know that from Ms. Lewinsky's perspective, as she explained in her deposition, it also made no difference that the President was giving her additional gifts, because she had already decided, having had the subpoena in hand for 9 days, that she would not turn them over.

Now, a second ray of light also shines on two aspects of the managers' case from Ms. Lewinsky's deposition.

You may remember that as part of article I in their trial brief, the managers allege that the President lied to the grand jury—this is one of the never-ending list of possible perjuries—that he recalled saying to Ms. Lewinsky on December 28 that she would have to ''turn over whatever she had'' when she raised the gift issue with him.

Well, the managers sought to obtain from Ms. Lewinsky testimony that would support that charge of perjury as well as the concealment charge under article II, but she turned that world upside down on both the perjury charge and the obstruction charge.

When asked whether the President had ever said to her, ''You will have to give them whatever you have,'' or something like that, Ms. Lewinsky testified that FBI Agent Fallon of the OIC had interviewed her after the President's grand jury testimony, after they already knew what the President had said under oath, and asked her whether she recalled the President saying anything like that to her. I am sure somewhat to the surprise of Manager BRYANt, she testified that she told Agent Fallon, ''That sounds familiar.''

Now aside from the not so minor point that Ms. Lewinsky's testimony corroborates the President's recollection of his response and undermines the charge in both article I and article II, a couple of other things are worth noting. As my colleague, Ms. Seligman, pointed out to you on Saturday, this was the first time after all Ms. Lewinsky's recorded versions of the events of December 28, that we had ever heard that the President's version sounded familiar to her. And second, there is not a single piece of paper—at least that we are aware of—in the entire universe turned over by the independent counsel, by the House, and thence to us that reflects the FBI's interview of Ms. Lewinsky. If she hadn't been honest enough to tell Manager BRYANT about it, we and you would never have known.

Senators, what else is there in the vaults of the independent counsel or in the memory of his agents that we don't know about?

Another pillar down.

The job search. It may have become tiresome to hear it, but any discussion of the job search must begin with Ms. Lewinsky's testimony oft repeated that no one promised her a job to influence her testimony. Remember my two themes: Moving targets, empty pots. They come together here. What the managers have presented to you in a series of different speculative theories, as each one is shown to be what it is, they move on to the next in the hope they will find one, someday, that actually has a connection to reality. But they cannot find that elusive theory; for the stubborn facts will not budge, nor will the stubborn denials by every participant in their mythical plot.

Now we know that Monica Lewinsky's job search began in the summer of 1997, well in advance of her being involved in the Jones case. In October, she interviewed with U.N. Ambassador Richardson, was offered a job. She had her first meeting with Mr. Jordan early in November, well before she appeared in the Jones case. The next contact was actually before Thanksgiving when she made an effort to set up another meeting with Mr. Jordan and was told to call back after the holiday. She did, on December 8, and set up a meeting on December 11—again, before either she or Mr. Jordan knew that she was involved in the Jones case.

Now, on that date of December 11 which we have heard so much about, Mr. Jordan did open doors for Ms. Lewinsky in New York, but there was no inappropriate pressure. At American Express and Young and Rubicam she failed on her own, and at Revlon she succeeded on her own. As Mr. Jordan told the grand jury when asked whether there was any connection between his assistance to her and the Jones case, his answer was ''unequivocally, indubitably no.''

In search of some evidence that Mr. Jordan's efforts were, indeed, triggering Ms. Lewinsky's status as a witness and therefore inappropriate, the managers focused on his January 8 call to Mr. Perelman, the CEO of MacAndrews & Forbes, admittedly a date known to Ms. Lewinsky, to Mr. Jordan, and to the President. Ms. Lewinsky had reported that her original interview had not gone well, although we know it actually had, and that her resume had already been sent over from MacAndrews & Forbes to Revlon where she ultimately was offered a job.

Mr. Jordan was candid stating he went to the top because he wanted to get action if action could be had, but the record is clear that the woman involved at Revlon who interviewed Ms. Lewinsky had already made a decision to hire her. No one put any pressure on her. There was no special urgency. There was no fix. In fact, if you want it known what happens when Mr. Jordan calls the CEO of a company to get action, look at his call to the CEO of Young and Rubicam: No job; no job. They made an independent decision whether or not to hire Ms. Lewinsky.

Now, other than the managers, there are only two people, as far as I can tell, who ever tried to create a link between the job search and the affidavit: Linda

Tripp and Kenneth Starr. No one—not Ms. Lewinsky, not Mr. Jordan, not the President, no one—ever said anything to so much as suggest the existence of such a linkage, and the managers can find no proof; which is not to say they didn't try.

Manager HUTCHINSON, you will recall, originally asked you to look at the events of January 5 when he said Ms. Lewinsky had met with her attorney, Mr. Carter, and then, according to the managers' account, Mr. Carter began drafting the affidavit and Ms. Lewinsky was so concerned that she called the President and he returned her call. The problem with that version, as my colleague, Mr. Kendall, showed you, was the affidavit wasn't drafted until January 6. Mr. Carter has so testified.

Now, the managers would also have you believe that Mr. Jordan was involved in drafting the affidavit and that he was involved in the deletion of language from the draft that suggested that she had been alone with the President. Ms. Lewinsky's and Mr. Jordan's testimony is essentially the same. They talked, Mr. Jordan listened—you recall him saying, ''Yes, she was talking, I was doodling,''—he called Mr. Carter, he transmitted to Mr. Carter some of her concerns, but he made it very clear to Ms. Lewinsky he wasn't her lawyer. And in words that will resonate forever, at least among the legal community, Mr. Jordan said, ''I don't do affidavits.'' And, of course, Mr. Carter himself testified it was his idea to delete the language about being alone.

Now, the very best that the managers can do on this issue is to establish that Ms. Lewinsky talked to Mr. Jordan in the same conversation about the job search and about her affidavit. But as Mr. Jordan told you, Ms. Lewinsky was always talking about the job search, and he made it very clear to you that there was no linkage between the two.

If we can play just a very brief section of Mr. Jordan's deposition.

(Text of videotape presentation:)

Q In your conversation with Ms. Lewinsky prior to the affidavit being signed, did you in fact talk to her about both the job and her concerns about parts of the affidavit?

A I have never in any conversation with Ms. Lewinsky talked to her about the job, on one hand, or job being interrelated with the conversation about the affidavit. The affidavit was over here. The job was over here.

And of course we have already dispensed with the notion to the extent that the managers continue to assert that the President never discussed the contents of the affidavit with Ms. Lewinsky or even ever saw a draft.

Now, recognizing that they would never be able to show that the inception of the job search was linked in any way to the affidavit, the managers developed a theory which they have advanced to you that the President committed obstruction of justice when the job search assistance became, in their words, ''totally interconnected, intertwined, interrelated,'' with the filing of Ms. Lewinsky's affidavit.

The problem the managers have had, however, is that they have not been able to figure out when this occurred, why it occurred, or how it occurred. Think back on how many versions of their theory you have heard just in the last few weeks. First, it all started on December 11 when Judge Wright issued her order permitting Jones lawyers to take depositions to prove that the President had relations with other women. That was what galvanized the President and Mr. Jordan to make real efforts to find Ms. Lewinsky a job.

Woops, didn't quite fit the facts.

Mr. Jordan met with Ms. Lewinsky and made calls to prospective employers before the order was issued. Let's try this. Second, well, it wasn't really the 11th, it was the 5th when the witness list came out. But they had already told you in a trial brief quite explicitly, and in the majority report of the committee to the Congress, that there was ''no urgency.'' Those were their words; there was ''no urgency'' after December 5. I am a city boy, but that dog went back to sleep.

Third, as Manager HUTCHINSON told you on Saturday, what really happened was that by December 17 the President had ''got the job search moving'' and thought ''maybe she is now more receptive,'' and that is why he called Ms. Lewinsky on the 17th and told her she was on the witness list.

Nice try. No facts.

Now, I don't know whether this chart, which Manager HUTCHINSON used, was intended to speak for itself or to be elucidated by his own comments, but let's look at it. ''December 5th, witness list—Lewinsky,'' exclamation point. Her name is on it. ''December 6: President meets with attorneys on witness list.''

True.

''December 7th: President and Jordan meet.''

Well, that is also true, but we know they didn't talk about Monica Lewinsky. I am not quite sure why it is there.

''December 8th: Lewinsky sets up a meeting with Jordan for the 11th.''

True. At that point, she doesn't know she is on the list and Mr. Jordan doesn't know she is on the list.

''December 11th: Lewinsky job meeting with Jordan.''

Yes, true. But as we know, well before Judge Wright's order came out, the two of them still don't know that her name is on the witness list.

December 17th was the calls.

True. They are on the list.

On December 19, the subpoena was served.

True.

''December 28: President and Lewinsky meet; evidence (gifts) concealed.''

Now, true, but I am not sure what that means in this context.

Last, interestingly, was breakfast at the Park Hyatt. ''More evidence at risk.''

Now, it is clear that if you string all of these events together and you have a theory that will link them all together, you have made some progress. There is only one problem: Other than what we know to be true on this list, there is nothing other than surmise that links them together in any fashion that one could consider improper or certainly illegal. But that is, in essence, where the managers have brought us in their theorizing, for their fourth theory is that the pressure did not really begin to build until Ms. Lewinsky was actually subpoenaed and began to prepare an affidavit.

On this theory, a call to Mr. Perelman was the final step—going right to the top of MacAndrews & Forbes to make absolutely sure that Ms. Lewinsky stayed on the team. But here there are other facts to deal with. For example, look what happened—or more importantly, didn't happen—on December 19. On that day, Monica Lewinsky came, weeping, to Mr. Jordan's office carrying with her the dreaded subpoena. Mr. Jordan called the President and visited with him that evening. And you will recall that they talked in very candid terms to the President about their relationship. Wouldn't one think that if the President was, in fact, engaged in some scheme to use a job in New York to influence Ms. Lewinsky's testimony, this would be the critical moment, that some immediate steps would be taken to be absolutely sure that there was a job for her? But what do we find? Mr. Jordan takes no further action on the job front until January 8.

Now, there was never so much as a passing reference concerning any connection between the job search and the affidavit among any of the three participants—any of them—because there was not one conversation that anyone could conclude was designed to implement this nefarious scheme that the managers would have you find. So now we have an entirely new theory—the ''one-man conspiracy,'' a beast unknown, I think, to Anglo-American jurisprudence.

Now, the fact that Ms. Lewinsky—this is on the managers' theory—didn't know she was on the witness list until December 17, and Mr. Jordan didn't know about it until she was subpoenaed on the 19th, and Mr. Perelman never knew it, all are ''proof positive'' that the President himself was the ''mastermind'' pulling on unseen strings and influencing the participants in this drama, without their even knowing that they were being influenced. Under this theory—the latest in a long line—Ms. Lewinsky's denial that she ever discussed the contents of her affidavit with the President, her denial that there was any connection between the job and her testimony, Mr. Jordan's denial that there was ever a connection between his efforts to find her a job and the affidavit, and the fact that Mr. Jordan never discussed any such connection with the President, are simply evidence of the fact that there must have been such a connection; that unbeknownst to Ms.

Lewinsky, she was being corruptly encouraged to file a false affidavit. With all due respect, somebody has been watching too many reruns of ''The X-Files.''

Confronted with this problem, the managers now offer you one last theory. With ever-increasing directness, they now accuse Mr. Jordan himself of obstructing justice by urging Ms. Lewinsky to destroy her notes. Seemingly, they ask you to find—even in the face of Mr. Jordan's forceful denials—that one who would forget a breakfast at the Park Hyatt until reminded of it by being shown the receipt, and who then admitted his recollection was refreshed and would admit that he remembered a discussion of the notes, must have obstructed justice himself. And, of course, he must have been engaged all along with an effort to influence Ms. Lewinsky's testimony on behalf of the President.

Nonsense. Nonsense. And so this pillar returns to the dust from which it came.

Next, the events surrounding Mr. Bennett's statement to Judge Wright during the Jones deposition formed the basis for two charges: First, that the President obstructed justice in the Jones case; second, that he committed perjury by telling the grand jury that he really wasn't paying attention at the critical moment.

Both charges depend on the managers' ability to prove that, indeed, the President had been paying attention. To do that, they always rely on the videotape of the deposition in which it can be seen that the President was looking in the direction of his lawyer while Mr. Bennett was talking.

But 2 weeks ago, they came to you and they produced, with a modest flourish, a new bit of evidence—an affidavit from Mr. Barry Ward, clerk to Judge Wright, trumpeted, in their words, as ''lending even greater credence to their crime.'' Now, in their memorandum in support of their request to expand the record by including Mr. Ward's affidavit, the managers told you the following, and this is the managers' own language:

> From his seat at the conference table next to the judge, he saw President Clinton listening attentively to Mr. Bennett's remarks, while the exchange between Mr. Bennett and the judge occurred.

Then they said:

> Mr. Ward's declaration would lend even greater credence to the argument that President Clinton lied on this point during his grand jury testimony and obstructed justice by allowing his attorney to utilize a false affidavit in order to cut off a legitimate line of questioning. Mr. Ward's declaration proves that Mr. Ward saw President Clinton listening attentively while the exchange between Mr. Bennett and the presiding judge concurred.

But this is what Mr. Ward's affidavit actually says. The affidavit was attached to the very motion the language of which I just read to you. I direct your attention only to the last sentence, because this is the only one of any moment: ''From my position at the conference table, I observed President Clinton looking directly at Mr. Bennett while this statement was being made.''

Search if you will for any evidence relating to whether the President was looking attentively or not. There is not one iota of evidence added by the videotape. You were misled. Indeed, Mr. Ward said to the Legal Times on February 1, 1999, ''I have no idea if he was paying attention. He could have been thinking about policy initiatives, for all I know.'' You were misled.

The record before the affidavit is the record after the affidavit. The managers ask that you remove the President of the United States on the basis of the videotape showing that he was looking in the direction of his lawyer.

Well, it was not much of a pillar to start with.

There is no dispute of the conversation of January 18 between the President and Ms. Currie. There is no dispute that President Clinton called Ms. Currie into the White House on Sunday, January 18, the day after his deposition, and asked her certain questions and made certain statements about his relationship with Ms. Lewinsky. The only dispute is whether, in doing so, the President intended to tamper with a witness. The managers contend that he was corruptly attempting to influence Ms. Currie's testimony. The President denies it.

Since we know that Ms. Currie was not on the Jones witness list at the time of the President's deposition, or at the time of either of the conversations with Ms. Currie, and we know that discovery was about to end, the managers have argued that the President's own references to her in the Jones deposition constituted an invitation to the Jones lawyers to subpoena her. They argue that proof of that invitation can be found in the witness list signed by the Jones lawyers on January 22, which listed Ms. Currie and other potential witnesses.

When I spoke to you on January 19, I told you that Ms. Currie had never been placed on the witness list. I was wrong. Manager HUTCHINSON has quite properly taken me to task for it. But I fear that he became so caught up in this information that he has lost sight of its true significance, or rather a lack thereof.

In order to convince you that Betty Currie was going to be called by the Jones lawyer when the President spoke to her on January 18, the managers, somewhat like Diogenes, lit their lantern and sought out the most reliable witness they could find, a witness whose credibility was beyond question, who had no ulterior motive, no bias—Paula Jones' lawyer. They brought it to you in a form that they hoped would allow his motive and bias to go untested.

Remember how the managers told you that it is important to look a witness in the eye to test his demeanor. I doubt that you need to do that to understand what might color Mr. Holmes' view of the world. Let's look at what he had to say. You have in the exhibits before you an unredacted witness list attached to Mr. Holmes' affidavit. I have put up on the easels the redacted list as it was originally used by the managers a few weeks ago because I really see no purpose in unduly exposing the names of the people who are on that witness list. But let me direct you to these words just to highlight it: ''Under Seal.''

You will remember that the President has been criticized for violating a gag order when he spoke to his own secretary about his deposition. What then do we say when the managers produce a document from a lawyer for one of the parties that is still under seal, not yet released by the court, and reveals the names of individuals who are no part of these proceedings? Surely the managers could have made their point just as well without such a revelation.

Mr. Holmes states that the Jones lawyers had two reasons for putting Ms. Currie's name on the witness list: One, because of President Clinton's deposition testimony; and, two, because they had ''received what they considered to be reliable information that Ms. Currie was instrumental in facilitating Monica Lewinsky's meetings with Mr. Clinton and that Ms. Currie was central to the cover story Mr. Clinton and Ms. Lewinsky had developed to use in the event their affair was discovered.'' They don't tell us where he got this reliable information. But of course we know.

Let's figure out whether in fact Betty Currie really made it on the list because of the President's testimony. If you look at the number of times she is mentioned in the deposition, it becomes conventional wisdom that the President inserted her name into his testimony so frequently and so gratuitously that he did in fact invite the Jones lawyers to call her and, thus, must have known that she was going to be a witness when he spoke to her on January 18. But if you look at the deposition, you will find that the first time her name is mentioned, the President is simply responding to a question about his earlier meetings with Ms. Lewinsky and stated that Betty was present.

The lawyers for the plaintiff then asked 13 questions, give or take a few, about Ms. Currie. And we know there is no secret here. They got their information from Linda Tripp. And Linda Tripp surely told them about Ms. Lewinsky's relationship with Ms. Currie. It was only in response to a couple of their questions about whether letters had ever been delivered to Ms. Currie and whether she stated at some extraordinarily late hour that the President said, ''You'll have to ask her.'' He didn't invite. He did not suggest to them that they call Ms. Currie. They knew whatever they needed to

know about Ms. Currie to put her on their witness list.

To judge further whether Ms. Currie made it on the list because of the President's invitation, or because they already knew about witnesses from Ms. Tripp, let me direct your attention—if you look at the exhibit in front of you rather than the redacted version here, the first listed on the witness list is No. 165. Her name does not come up at all in the deposition. But we know that she was in fact the subject of conversation surreptitiously recorded between Ms. Tripp and Ms. Lewinsky. And note that the name of Vernon Jordan is not on the list. They are the ones, the Jones lawyers are the ones, who first bring them up. And we know, of course, that they knew from Ms. Tripp that he was already involved in this scenario.

Thus, neither the January 22 witness list nor Mr. Holmes' affidavit supported the managers' theory. The President did not know that Ms. Currie would be a witness when he spoke to her after her deposition, and he could not, therefore, have tampered with the witness.

Well beyond their statement about how they got this information, Mr. Holmes volunteers that they didn't get it from the Washington Post, or perhaps not. But it is clear that in the days after the Post article, we know that some of the names on the list came from the press reports, we know that Jones lawyers began tracking the newly public activities of the independent counsel, which was issuing its own subpoenas in the hours and days following the lawyers' release. And for some insight into what they believe the independent counsel thought was going on, look at the pleading they filed with Judge Wright on Wednesday, January 28, to prevent the Jones lawyers from continuing to use their investigation as an aid—that is, the independent counsel's investigation—as an aid to civil discovery.

The pleading said, ''As recently as this afternoon, plaintiff's counsel caused process to be served on Betty Currie who appeared before the grand jury in Washington yesterday. Such deliberate and calculated shadowing of the grand jury's investigation will necessarily pierce the veil of grand jury secrecy.''

The managers have criticized us for ignoring the second conversation between the President and Ms. Currie, suggesting that I suppose it takes on an even more sinister cast than the first. But there is simply nothing of any substance to take from this second conversation that adds to the events of January 18. It is clear that the conversation occurred on Tuesday, January 20, before the Starr investigation became public. The managers disingenuously have suggested in their exhibit, the one they distributed on Saturday, that this conversation occurred after the Post story appeared. If you look at the exhibit that was used on Saturday, you will see: January 20, Post story is known. Of course, that's late at night. January 21, Post story was on the Internet. The President calls Betty for 20 minutes. And then sort of sneaking it in down here, January 20 or 21, President coaches Currie for the second time.

But the record shows this: Ms. Currie has said that the conversation occurred ''whenever the President was next in the White House.'' That is after the Sunday conversation. And that was Tuesday, the 20th, the day after the Martin Luther King holiday. Thus, the second conversation is of no greater legal significance than the first since the President knew no more about Ms. Currie's status as a witness on Tuesday than he did on Sunday.

In sum, the managers have tried to convince you that the President knew or must have known that Betty Currie would be a witness in the Jones case. If anything, we now know that the reason she was put on the January 22 list, along with many others, had more to do with Linda Tripp than anything else.

But putting this aside for the moment; that is, putting aside the question whether the President could have had any reason to believe that Ms. Currie would be a witness, look at whether Ms. Currie herself believed that she was being corruptly influenced on January 18. In response to continuing efforts by the prosecutors to get her to admit that she felt some untoward pressure from the President, she testified—and you have seen this before as well:

. . . did you feel pressured when he told you those statements?

A. None whatsoever.

Q. What did you think, or what was going through your mind about what he was doing?

A. At the time I felt that he was—I want to use the word shocked or surprised that this was an issue, and he was just talking.

* * * * *

Q. That was your impression, that he wanted you to say—because he would end each of the statements with ''Rights?,'' with a question.

A. I do not remember that he wanted me to say ''Right.'' He would say, ''Right?'' and I could have said, ''Wrong.''

Q. But he would end each of those questions with a ''Right?'' and you could either say whether it was true or not true.

A. Correct.

Q. Did you feel any pressure to agree with your boss?

A. None.

And so on a human level, a human level, we have the President, who has just seen his worst nightmare come true, and who knows that he is about to face a press tidal wave that will wash over him and his family and the country, and we have his secretary who knows of, indeed, has been a part of, his relationship with Monica Lewinsky but knows nothing about the long-since ended improper aspects of that relationship—we have a conversation that was the product of the emotions that were churning through the President's very soul on that day. What we do not have is an attempt to corruptly influence the testimony of the witness.

Only one pillar left. The managers ask the Senate to find that the President's conversations with Mr. Blumenthal and other aides was an effort to influence their testimony before the grand jury. Their theory, much as was true of some of their other theories, flounders on shoals that they don't account for. As they would have it, in the days immediately following the Lewinsky story, the President spoke with a few members of his senior staff, as they would allege, knowing that they would probably be grand jury witnesses and misled them about his relationship with Ms. Lewinsky, so that they would convey that misinformation to the grand jury when they were called.

Now, just so that you can see for yourself what the President testified to in the grand jury on the subject, I want to play about 3 or 4 minutes of that testimony for you.

(Text of videotape presentation:)

Q. If they testified that you denied sexual relations or relationship with Monica Lewinsky, or if they told us that you denied that, do you have any reason to doubt them, in the days after the story broke; do you have any reason to doubt them?

PRESIDENT CLINTON. No. The—let me say this. It's no secret to anybody that I hoped that this relationship would never become public. It's a matter of fact that it had been many, many months since there had been anything improper about it, in terms of improper contact. I—

Q. Did you deny it to them or not, Mr. President?

PRESIDENT CLINTON. Let me finish. So, what—I did not want to misled my friends, but I wanted find language where I could say that. I also, frankly, did not want to turn any of them into witnesses, because I—and, sure enough, they all became witnesses.

Q. Well, you knew they might be——

PRESIDENT CLINTON. And so——

Q.—witnesses, didn't you?

PRESIDENT CLINTON. And so I said to them things that were true about this relationship. That I used—in the language I used, I said, there's nothing going on between us. That was true. I said, I have not had sex with her as I defined it. That was true. And did I hope that I would never have to be here on this day giving this testimony? Of course, But I also didn't want to do anything to complicate this matter further. So, I said things that were true. They may have been misleading, and if they were I have to take responsibility for it and I'm sorry.

Q. It may have been misleading, sir, and you knew though, after January 21st when the Post article broke and said that Judge Starr was looking into this, you knew that they might be witnesses. You knew that they might be called into a grand jury, didn't you?

PRESIDENT CLINTON. That's right. I think I was quite careful what I said after that. I may have said something to all these people to that effect, but I'll also—whenever anybody asked me any details, I said, look, I don't want you to be a witness or I turn you into a witness or give you information that could get you in trouble. I just wouldn't talk. I, by and large, didn't talk to people about this.

Q. If all of these people—let's leave out Mrs. Currie for a minute. Vernon Jordan, Sid Blumenthal, John Podesta, Harold Ickes, Erskine Bowles, Harry Thomasson, after the story broke, after Judge Starr's involvement

was known on January 21st, have said that you denied a sexual relationship with them. Are you denying that?

PRESIDENT CLINTON. No.

Q. And you've told us that you——

PRESIDENT CLINTON. I'm just telling you what I meant by it. I told you what I meant by it when they started this deposition.

Q. You've told us now that you were being careful, but that it might have been misleading. Is that correct?

PRESIDENT CLINTON. It might have been. Since we have seen this four-year, $40-million-investigation come own to parsing the definition of sex, I think it might have been. I don't think at the time that I thought that's what this was going to be about. In fact, if you remember the headlines at the time, even you mentioned the Post story. All the headlines were—and all the talking, people who talked about this, including a lot who have been quite sympathetic to your operation, said, well, this is not really a story about sex, or this is a story about subornation of perjury and these talking points, and all this other stuff. So, what I was trying to do was to give them something they could—that would be true, even if misleading in the context of this deposition, and keep them out of trouble, and let's deal—and deal with what I thought was the almost ludicrous suggestion that I had urged someone to lie or tried to suborn perjury, in other words.

Now, it is clear from that excerpt, I think, that in the hours and days immediately following the release of the Post story, the President was struggling with two competing concerns: How to give some explanation to the men and women he worked with every day, and worked with most closely, without putting them in a position of being grand jury witnesses. But he was not in any sense seeking to tamper with them or to obstruct the grand jury's investigation.

Putting aside for the moment our strenuous disagreement both with the factual underpinning of and the legal conclusions that flow from the managers' analysis of these events, I find it difficult to figure out how it is that they believe the President intended that his statement to Mr. Blumenthal or his statement to Mr. Podesta would involve their conveying false information to the grand jury, or that he sought in some fashion to send that message to the grand jury when, at the very moment that those aides were first subpoenaed, he asserted executive privilege to prevent them from testifying before the grand jury. For someone who wanted Mr. Blumenthal to serve, as the managers would have it, as his messenger of lies, that is strange behavior indeed.

Now, there is an issue here that I don't really want to get into at length, and I, not having heard the last 2 hours of the managers' presentation, don't know whether they are going to get into, and that is Manager GRAHAM's favorite issue, the question of whether there was some scheme to smear Monica Lewinsky—early, middle, or late. Other than to say that no such plan ever existed, I just want to ask the managers this. Although I must admit that for the first time in my life I have heard Marlene Dietrich's name used as a pejorative—what was Manager BRYANT saying about Ms. Lewinsky? That she was lying? That she misled the managers? That because her testimony helped the President, they were now going to attack her character and her integrity? I don't know how many of you have seen ''Witness For The Prosecution,'' either before or after Mr. BRYANT used that example, but ask yourselves: What was he saying? What was he doing?

Ladies and gentlemen of the Senate, I don't know whether there is a market for used pillars, but they are all lying in the dust.

It is difficult for me as a lawyer, as an advocate for my client, to speak to this body about lofty constitutional principles without seeming merely to engage in empty rhetoric. But I would like to think, I guess, that if there were ever a forum in which I could venture into that realm, be excused for doing so, could be heard without the intervening filter of skepticism that I fear too often lies between lawyer and listener, this is the time and this is the moment. Only once before in our Nation's history has any lawyer had the opportunity to make a closing argument on behalf of the President of the United States and only once before has the Senate ever had to sit in judgment on the head of the executive branch.

We all must cast an eye to the past, looking over our shoulders to be sure that we have learned the right lessons from those who have sat in this Chamber before us. But we also must look to the future, to be sure that we leave the right lessons to those who come after us. We hope that no one will ever have need of them, but if they should, we owe them not only the proper judgment for today but the proper judgment for all time.

Now, you have heard the managers tell you very early on in these meetings that we have advanced a, quote, ''so what'' defense; that we are saying that the President's conduct is really nothing to be concerned about; that we should all simply go home and ignore what he has done. And that, of course, to choose a word that would have been familiar to the framers themselves, is balderdash.

If you want to see ''so what'' in action, look elsewhere. ''So what'' if the framers reserved impeachment and removal for only those offenses that threaten the state? ''So what'' if the House Judiciary Committee didn't quite do their constitutional job, if they took the independent counsel's referral and added a few frills and then washed their hands of it? ''So what'' if the House approved articles that wouldn't pass muster in any court in the land? ''So what'' if the managers have been creating their own theories of impeachment as they go long? And ''so what,'' and ''so what,'' and ''so what?''

By contrast, what we offer is not ''so what,'' but this: Ask what the framers handed down to us as the standard for removing a President. Ask what impeachment and removal would mean to our system of government in years to come. Ask what you always ask in this Chamber: What is best for the country? No, the President wouldn't allow any of us to say ''so what,'' to so much as suggest that what he has done can simply be forgotten. He has asked for forgiveness from his family and from the American people, and he has asked for the opportunity to earn back their trust.

In his opening remarks, Manager HYDE questioned whether this President can represent the interests of our country in the world. Go to Ireland and ask that question. Go to Israel and Gaza and ask that question. If you doubt whether he should, here at home, continue in office, ask the parent whose child walks safer streets or the men and women who go off to work in the morning to good jobs.

We are together, I think, weavers of a constitutional fabric in which all of us now are clothed and generations will be clothed for millennia to come. We cannot leave even the smallest flaw in that fabric, for if we do, one day someone will come along and pull a thread and the flaw will grow and it will eat away at the fabric around it and soon the entire cloth will begin to unravel. We must be as close to perfect in what we do here today as women and men are capable of being. If there is doubt about our course, surely we must take special care, as we hold the fabric of democracy in our hands, to leave it as we found it, tightly woven and strong.

Now, before today I wrote down the following: ''The rules say that the managers will have the last word.'' Well, the rules today say the managers will have the last paragraphs. But that truly isn't so, because even when they are finished, theirs will not be the last voices you hear. Yes, one or more of them will now rise and come to the podium and tell you that they have the right of it and we the wrong, that our sense of what the Constitution demands is not theirs and should not be yours. That is their privilege.

But as each of them does come before you for the final time, and as you listen to them, I know that you will hear not their eloquence, as grand as it may be; not the pointed jibes of Manager HUTCHINSON nor the stentorian tones of Manager ROGAN nor the homespun homilies of Manager GRAHAM nor the grave exhortations of Manager HYDE, but voices of greater eloquence than any of us can muster, the voices of Madison and Hamilton and the others who met in Philadelphia 212 years ago, and the voices of the generations since, and the voices of the American people now, and the voices of generations to come. These, not the voices of mere advocates, must be your guide.

It has been an honor for all of us to appear before you in these last weeks on behalf of the President. And now our last words to you, which are the

words I began with: William Jefferson Clinton is not guilty of the charges that have been brought against him. He did not commit perjury. He did not commit obstruction of justice. He must not be removed from office.

Thank you very much.

Mr. LOTT addressed the Chair.

The CHIEF JUSTICE. The Chair recognizes the majority leader.

RECESS

Mr. LOTT. Mr. President, I ask unanimous consent we take a 15-minute recess.

There being no objection, at 4:19 p.m. the Senate recessed until 4:41 p.m.; whereupon, the Senate reassembled when called to order by the Chief Justice.

The CHIEF JUSTICE. The Senate will be in order. The Chair recognizes the majority leader.

Mr. LOTT. Mr. Chief Justice, I believe now we are ready to proceed with the managers from the House. I understand that they do have a 2-hour presentation. I will look for guidance from the Chief Justice about whether we should take a break for the last 45 minutes— that would be after Mr. Manager Rogan—if at all.

The CHIEF JUSTICE. Very well.

The Chair recognizes Mr. Manager MCCOLLUM.

Mr. Manager MCCOLLUM. Thank you, Mr. Chief Justice and Members of the Senate.

At the outset of my closing remarks, I would like to lay the record straight on a couple of matters. With all due deference to White House counsel, the suggestion that Mr. Ruff made at the beginning of his closing, that we were somehow being unfair to him on the timing today of the rebuttal, seems to me to be a little strained. ''Methinks thou doth protest too much,'' was a remark I used earlier, a quote from Shakespeare, and I think it is appropriate here, too, because if you recall, we had no rebuttal at all as you normally would have in the end of our case, to begin with. Secondly, we thought we ought to have live witnesses here. We haven't had those. The list could go on. I really don't think we are being unfair.

Secondly, I would like to make one correction and make a clear point. I am sure it was not intended, but in your remarks, I believe, Mr. Ruff, you indicated there was no history with regard to ''beyond a reasonable doubt'' standard. Maybe I misunderstood that, but I want the record to be clear that in the Claiborne case there was, in fact, a vote that took place here in the case of Judge Claiborne, 75–17, saying that that standard did not apply to impeachment cases.

Now, having said that, I would like to move on to my own thoughts. Notwithstanding the clever and resourceful arguments that White House counsel have made to you today, and in the past few weeks, I suspect that most of you—probably more than two-thirds—believe that the President did, indeed, commit most, if not all, of the crimes he is charged with under these articles of impeachment. I suspect that a great many of you share my view that these are high crimes and misdemeanors.

But nonetheless, it is my understanding that some of you who share these views are not prepared to vote to convict the President and remove him from office. That instead, you are of the mind at the moment—subject to our persuading you otherwise —in your own debate, to acquit him.

Ultimately, the choice is yours, not ours. But a few moments I would like to spend with you reviewing just a few of the facts—not many—and suggesting to you what I believe we managers would believe would be some very significant negative consequences of failing to remove this President.

Having heard all of the evidence over the past few days and weeks, there should be little doubt that beginning in December 1997 William Jefferson Clinton set out on a course of conduct designed to keep from the Jones court the true nature of his relationship with Monica Lewinsky. Once he knew he would have to testify, he knew he was going to lie in his deposition. And he knew he was going to have to lie, not only himself but get Monica Lewinsky to lie—if he was going to be successful—and he was going to have to get his personal secretary to lie about his relationship, and have his aides and others help cover them up if he would be successful in lying in the Jones court deposition.

He did all of these things. And then he chose to lie to the grand jury again, because if he did not, he would have not been able to protect himself from the crimes he had already committed.

No amount of arguments by White House counsel can erase one simple fact: If you believe Monica Lewinsky, you cannot believe the President. If you believe Monica Lewinsky, the President committed most of the crimes with which he is charged in these arguments today.

For example, while the President did not directly tell her to lie, he never advised her what to put in her affidavit, she knew from the December 17 telephone conversation with the President that he meant for her to lie about the relationship and file a false affidavit, and he would lie as well.

I want to refresh your recollection. These charts we put up some time before—you have them in front of you. This is a direct quote from her. We showed this on television Saturday, where she was reading from her grand jury deposition and confirming, this is, indeed, what she said and what she—her interpretation of that affidavit, phone conversation, despite everything else you heard.

She said:

> For me, the best way to explain how I feel what happened was, you know, no one asked me or encouraged me to lie, but no one discouraged me either. . . .
>
> . . . It wasn't as if the President called me and said, ''You know, Monica you're on the witness list, this is going to be really hard for us, we're going to have to tell the truth and be humiliated in front of the entire world about what we've done,'' which I would have fought him on probably. That was different. And by him not calling me and saying that, you know, I knew what that meant. . . .
>
> ''I knew what that meant.''

She lied in that affidavit. The President, clearly, intended to influence her by suggesting the affidavit and all the other things that went on in that conversation, and all of the circumstances that were there.

Monica Lewinsky was equally clear in her testimony to you Saturday that Betty Currie called her about the gifts, not the other way around. And surely nobody believes that Betty Currie would have called Monica Lewinsky about the gifts on December 28 unless the President had asked her to do so.

And then the day after the President's deposition in the Jones case, the President clearly committed the crimes of witness tampering and obstruction of justice when, in logical anticipation of Betty Currie being called as a witness, he said to Betty Currie, ''You were always there when she was there, right? We were never really alone. You could see and hear everything. Monica came on to me and I never touched her, right? She wanted to have sex with me and I can't do that.''

I am not going to rehash all of the evidence in this case again, but it is my understanding that some of you may be prepared to vote to convict the President on obstruction of justice and not on perjury. I don't know how you can do that. I honestly don't know how anybody can do that. If you believe Sidney Blumenthal's testimony that the President told him that Monica Lewinsky came at him and made a sexual demand and that he rebuffed her and that she threatened him and said she would tell people they had had an affair, and that she was known as a stalker among her peers, surely you must conclude that the President committed perjury when he told the grand jury that he told his aides, including Blumenthal, nothing but the truth, even if misleading.

The exact quotes, people are worried about the exact quotes. What are the words?

> And so I said to them things that were true about this relationship . . . so, I said things that were true. They may have been misleading . . . so, what I was trying to do was to give them something that could—that would be true, even if misleading. . . .

That was played on television in the White House presentation a few minutes ago. That was perjury. What he told Sidney Blumenthal was not true. It wasn't just misleading, it was not true. And he knew it was not true and it was perjury in front of the grand jury.

If you believe the President committed the crimes of witness tampering and obstruction of justice when he called Betty Currie to his office the

day after his deposition and told her, ''You were always there when she was, right''—the ones I just read to you, and the other statements to coach her—surely you must also conclude that the President committed perjury before the grand jury when he told the grand jurors his purpose in making these statements.

These are his exact words to the grand jurors:

I was trying to figure out what the facts were. I was trying to remember. I was trying to remember every time I had seen Ms. Lewinsky.

That is not true. He knew that was not true. That is not what he was doing. No one can rationally reason that that is what he was trying to do when he made the coaching statements to Ms. Currie. That was perjury in front of the grand jury.

And then we have heard a lot of talk about the civil deposition. Nobody is trying to prove up that deposition or is lying in here today. Nobody is trying to use that as a duplication or anything else of the sort. But the President said before the grand jurors:

My goal—

Talking about the Jones case deposition—

in this deposition was to be truthful . . . .

That is the lie. That is the perjury. That is as simple as the second count of the perjury article is. Does anybody believe, after hearing all of this, that the goal of the President in the Jones deposition was to be truthful? He lied to the grand jury and committed perjury.

Last but not least, if you believe Monica Lewinsky about the acts of a sexual nature that they engaged in, how can you not conclude the President committed perjury when he specifically denied those acts? Those were very explicit. Mr. Ruff suggested that maybe this is a subjective question. Maybe about the interpretation of the definition you might call it subjective. We are not going to go over it again today, but he used specific words that he confirmed were in that definition and said, ''I did not do those things. I did not touch those parts.'' Monica Lewinsky, if you believe her, testified that he did do those things—many times.

He committed perjury when he said he didn't do those things, if you believe Monica Lewinsky. If you are going to vote to convict the President on the articles of impeachment regarding obstruction of justice, I urge you in the strongest way to also vote to convict him on the perjury article as well. I think you would be doing a disservice not to do that, and it would be sending a terrible message about perjury and the seriousness of it for history and to the American people.

As you have seen in the Federal Sentencing Guidelines, which Mr. Ruff talked about a while ago, perjury and obstruction of justice do have, under the baseline guidelines, a higher amount of sentencing than simple, plain ''vanilla'' bribery does. That is where they start. He is right, you can get enhancements for aggravating circumstances for bribery in certain cases, and you can get a greater sentence. But so can you get a greater sentence for perjury if there was a significant effort to wrongfully influence the administration of justice, for example; and you can get a significantly enhanced sentence for perjury if you committed perjury, and so on.

We didn't choose to bring up a litany and show all the enhancements. Of course, you can do that. But for the pure base, there is no question about it.

The other significant thing that you will recall I brought up—some of us did—a couple of weeks ago is witness bribery. Bribing a witness is treated more severely under sentencing guidelines for base sentencing than ordinary bribery is. Clearly, all three are high crimes and misdemeanors.

What are the consequences of failing to remove this President from office if you believe he committed the crimes of perjury and obstruction of justice? What are the consequences of failing to do that? What is the downside?

First, at the very least, you will leave a precedent of doubt as to whether perjury and obstruction of justice are high crimes and misdemeanors in impeaching the President. In fact, your vote to acquit under these circumstances may well mean that no President in the future will ever be impeached or removed for perjury or obstruction of justice. Is that the record that you want?

Second, you will be establishing the precedent that the standard for impeachment and removal of a President is different from that of impeaching or removing a judge or any other official while, arguably—although it never happened—a Federal judge could be removed for the lesser standard under the good behavior clause of the Constitution. Such a removal would have to be by a separate tribunal, by a procedure set by statute, because under the impeachment provisions of the Constitution which all judges have been removed under previously, the same single standard exists for removing the President as for removing a judge. That standard is that you have to have treason, bribery, or other high crimes and misdemeanors.

So while the Constitution on its face does not make a distinction for removing a President or removing a judge, if you vote to acquit, believing that the President committed perjury and obstruction of justice, for all times you are going to set a precedent that there is such a distinction.

Third, if you believe the President committed the crimes of perjury and obstruction of justice and that they are high crimes and misdemeanors, but you do not believe a President should be removed when economic times are good and it is strongly against the popular will to do so, by voting to acquit you will be setting a precedent for future impeachment trials.

Can you imagine how damaging that could be to our constitutional form of government, to set the precedent that no President will be removed from office for high crimes and misdemeanors unless the polls show that the public wants that to happen? Would our Founding Fathers have ever envisioned that? Of course not. Our Constitution was structured to avoid this very situation.

Fourth: Then there is what happens to the rule of law if you vote to acquit. What damage is done for future generations by a vote to acquit? Will more witnesses be inclined to commit perjury in trials? Will more jurors decide that perjury and obstruction of justice should not be crimes for which they convict? No military officer, no Cabinet official, no judge, no CEO of a major corporation, no president of a university, no principal of a public school in this Nation would remain in office, no matter how popular they were, if they committed perjury and obstruction of justice as charged here.

To vote to acquit puts the President on a pedestal which says that, as long as he is popular, we are going to treat him differently with regard to keeping his job than any other person in any other position of public trust in the United States of America. The President is the Commander in Chief; he is the chief law enforcement officer; he is the man who appoints the Cabinet; he appoints the judges.

Are you going to put on the record books the precedent that all who serve under the President and whom he has appointed will be held to a higher standard than the President? What legacy to history is this? What mischief have you wrought to our Constitution, to our system of government, to the values and principles cherished by future generations of Americans? All this because—I guess this is the argument—Clinton was elected and is popular with the people? All this, when it is clear that a vote to convict would amount to nothing more than the peaceful, orderly, and immediate transition of government of the Presidency to the Vice President?

William Jefferson Clinton is not a king; he is our President. You have the power and the duty to remove him from office for high crimes and misdemeanors. I implore you to muster the courage of your convictions, to muster the courage the Founding Fathers believed that the Senate would always have in times like these. William Jefferson Clinton has committed high crimes and misdemeanors. Convict him and remove him.

I yield to Mr. CANADY.

The CHIEF JUSTICE. The Chair recognizes Mr. Manager CANADY.

Mr. Manager CANADY. Thank you, Mr. Chief Justice.

Members of the Senate, during the next few minutes I would like to address the constitutional issue you are

called on to decide in this case: Are the crimes charged against the President offenses for which he may be removed from office? Are these crimes high crimes and misdemeanors? Are these crimes that proceed, as Alexander Hamilton said, ''from the abuse or violation of some public trust''?

The President's lawyers have argued vigorously that even if all the charges against the President are true, the Constitution forbids the removal of this President. They contend that this isn't even a close case, that the crimes charged against the President are far removed from the constitutional category of high crimes and misdemeanors—a category of offenses they have sought to restrict narrowly to misconduct causing ruinous harm to the system of government.

While the President's lawyers have been consistent in urging a narrow and restricted understanding of the impeachment and removal power, they have not been—and I repeat—they have not been consistent in describing the standard used to determine if high crimes and misdemeanors have been committed.

In their submission to the House of Representatives they stated unequivocally that ''the Constitution requires proof of official misconduct for impeachment.'' Those are their words. I quote them again. ''The Constitution requires proof of official misconduct for impeachment.'' Indeed, that statement was the primary heading for their whole argument on constitutional standards. And likewise, in their trial memorandum submitted to the Senate, they argue that impeachment should not be used to punish private misconduct.

Subsequently they have apparently abandoned this position, recognizing that it would lead to the absurd result of maintaining in office Presidents who were undoubtedly unfit to serve. They now begrudgingly concede that a President is not necessarily impeached and removed simply because these crimes did not involve the abuse of powers of his office. They have been driven to concede there are at least some circumstances in which a President may be removed for crimes not involving what they call ''official misconduct.'' But, of course, they contend that the circumstances in this case don't even justify consideration of removal.

In the proceedings in the House and in their trial memorandum submitted to the Senate, the President's lawyers made much of the argument that tax fraud by a President of the United States would not be sufficiently serious to justify impeachment and removal. I had mentioned this before in these proceedings. And I mention it again now because it vividly demonstrates the low standard of integrity, the pathetically low standard of integrity that would be established for the Presidency if the arguments of the President's lawyers are accepted by the Senate.

Perhaps I missed something. But I do not recall any mention of the tax fraud issue by the President's lawyers in the course of their various presentations to the Senate. Could it be that the President's lawyers have come to understand that the argument that tax fraud is not an impeachable offense does not strengthen their case, but on the contrary highlights the weakness of their case? Tax fraud by a President, like lying under oath and obstruction of justice by a President in this case, would of course be wrong. It would be shameful, indefensible, unforgivable, but—this is the big ''but''—it would not be impeachable, they say; not even a close case. Bad? Yes. But clearly not impeachable. And why that? Why would it not be impeachable? Why is it clearly, unquestionably unimpeachable? This is the answer. This is the heart and soul of the President's defense. Tax fraud and a host of undefined other crimes, like lying under oath and obstruction of justice in this case, are just not serious enough for impeachment and removal. That is the answer. That is the defense. It is just not serious enough. All the grand legal argument, all the fine legal distinctions come down to the simple, this marvelously simple proposition. It is just not serious enough.

Let me refer you once again to a statement from the 1974 Report on Constitutional Grounds for Presidential Impeachment prepared by the staff of the Nixon impeachment inquiry. I want to cite a portion of that report that I have previously cited to you. The President's lawyers have also cited this very same statement in both their trial memorandum and their argument during these proceedings.

This is what the report says:

> Because impeachment of a President is a grave step for the Nation it is to be predicated only upon conduct seriously incompatible with either constitutional form and principles of our government or the proper performance of constitutional duties of the Presidential office. For our purposes now, impeachment is to be predicated only upon conduct seriously incompatible, or the proper performance of constitutional duties of the Presidential office.

That is a standard the managers accept. That is a standard the President's lawyers apparently also accept, and that is a standard I hope all 100 Members of the U.S. Senate could accept. I believe we can reach agreement on this standard. The problem comes, of course, in applying the standard. There is the rub. A wide gulf separates us on how this standard should be applied. The President's lawyers say that under this standard the case against the President isn't even worth considering. The managers argue on the contrary, that a conscientious application of the standard leads to the firm conclusion that the President should be convicted and removed.

Our fundamental difference goes to the issue of seriousness. It all goes back to the claim of the President's lawyers that his offenses just are not serious enough to justify removal.

I think we have agreement that obstruction of justice and lying under oath are incompatible with the proper performance of the constitutional duties of the Presidential office. A President who has lied under oath and obstructed justice has by definition breached his constitutional duty to take care that the laws be faithfully executed.

Such conduct is directly and unambiguously at odds with the duties of this office. So far so good. But here is the real question. Is that conduct seriously incompatible with the President's constitutional duties?

That is the question you all must answer. If you say yes, it is seriously incompatible, you must vote to convict and remove the President. If you say no, you must vote to acquit.

The President's defenders have not offered a clear guide to determining what is serious enough to justify removal. Instead, they have simply sought to minimize the significance of the particular offenses charged against the President.

Today we heard and attempt to minimize the significance of perjury. I was somewhat amazed to hear that. There was no mention made of what the first Chief Justice of the United States, Justice Jay, had to say about perjury, being of all crimes the most pernicious to society. That was omitted from the President's analysis.

But let me say this: I believe that we should focus on any mitigating circumstances. We should also focus on the aggravating circumstances that relate to the particular facts of a given case. I would like to briefly review the factors advanced at mitigating the seriousness of the President's crimes.

We all know what the leading mitigating factor is. We have all heard this 1,000 times. It goes like this: The offenses are not sufficiently serious because it is all about sex. This is directly linked to the claim that the President was simply trying to avoid personal embarrassment in committing these crimes. The problem with this argument is that it proves too much.

It is very common for people to lie under oath and obstruct justice to do so at least in part to avoid personal embarrassment. People engage in such conduct in their efforts to extricate themselves from difficulty and embarrassing situations. To a large extent, the offenses of President Nixon could be attributed to his desire to avoid embarrassing revelations. Did that reduce his culpability? Did that lessen the seriousness of his misconduct? The answer is obvious. It did not.

The desire to avoid embarrassment is not a mitigating factor. Likewise, the nature of the precipitating misconduct of a sexual affair does not mitigate the seriousness of the President's crimes. If you accept the argument that it is just about sex, you will render the law of sexual harassment virtually meaningless. Any defendant guilty of sexual harassment would obviously have an incentive to lie about any sexual misconduct that may have occurred. But

no one—no one—has the license to lie under oath about sex in a sexual harassment case or a divorce case or any other case.

I would suggest to you that an objective review of all the circumstances of this case—and you need to look at all of the circumstances, all of the facts in context—if you do that, you will be pointed not to mitigating factors, but to aggravating factors.

The conduct of the President was calculated and sustained. His subtle and determined purpose was corrupt. It was corrupt from start to finish. He knew exactly what he was doing. He knew that it was in violation of the criminal law. He knew that people could go to prison for doing such things. He knew that it was contrary to his oath of office. He knew that it was incompatible with his constitutional duty as President. And he most certainly knew that it was a very serious matter. I am sure he believed he could get away with it, but I am equally sure that he knew just how serious it would be if the truth were known and understood.

He knew all these things. In the midst of it all, he showed not the slightest concern for the honor, the dignity, and the integrity of his high office. When he called Ms. Lewinsky at 2:30 in the morning, he was up to no good, just as my colleague, Mr. GRAHAM, noted. He knew exactly what he was doing. When he called Ms. Currie into his office twice and told her lies about his relationship with Ms. Lewinsky, he knew exactly what he was doing.

When he sent Ms. Currie to retrieve the gifts from Ms. Lewinsky—and that is the only way it happened—he knew exactly what he was doing. He was tampering with witnesses and obstructing justice. He was doing everything he could to make sure that Paula Jones did not get the evidence that a Federal district judge had determined and ordered that she was entitled to receive. He was doing everything he could to avoid adverse legal consequences in the Jones case. That is what he planned to do, and that is what he did. And to cap it all off, he went before the Federal grand jury and lied.

Whatever you may think about the President's testimony to the grand jury, one thing is clear. He didn't lie to the grand jury to avoid personal embarrassment. The DNA on the dress had ensured his personal embarrassment. There was no avoiding that. There was no way to explain away the DNA. The stakes were higher before the Federal grand jury. This wasn't about avoiding personal embarrassment. This wasn't about avoiding liability in a sexual harassment case. This was a Federal criminal investigation concerning crimes against the system of justice. This was about lying under oath and obstructing justice in the Jones case.

And what did he do when he testified to the grand jury? He said anything he thought he needed to say to avoid responsibility for his prior crimes. The prosecutors went down to the White House, and William Jefferson Clinton sat there as President of the United States in the White House and he lied to a Federal grand jury. He sat there in the White House and he put on his most sincere face. He swore to God to tell the truth, and then he lied. He planned to lie, and he executed his plan because he believed it was in his personal and political interests to lie. Never mind the oath of office. Never mind the constitutional duty. Never mind that he solemnly swore to God to tell the truth.

Now, ask yourself this simple question: Was this course of conduct seriously incompatible with the President's duty as President? If this doesn't fall within the meaning of the offenses Alexander Hamilton described as ''proceeding from the abuse or violation of some public trust,'' tell me what would. I would respectfully suggest to you that this is exactly the sort of conduct that the framers had in mind when they provided a remedy for the removal of the Chief Executive who is guilty of misconduct. I believe that they would have rejected the argument that this deliberate, willful, stubborn, corrupt course of criminal conduct just isn't serious enough for the constitutional remedy the framers established, a remedy that they designed to protect the health and integrity of our institutions.

Those who established our Constitution would have understood the seriousness of the misconduct of William Jefferson Clinton. They would have understood that it was the President who has shown contempt for the Constitution, not the managers from the House of Representatives. They would have understood the seriousness of the example of lawlessness he has set. They would have understood the seriousness of the contempt for the law the President's conduct has caused. They would have understood the seriousness of the damage the President has done to the integrity of his high office. Those wise statesmen who established our form of government would have understood the seriousness of the harm President Clinton has done to the cause of justice and constitutional government. They would have understood that a President who does such things should not remain in office with his crimes.

Ladies and gentlemen of the Senate, for the sake of justice and for the sake of the Constitution, this President should be convicted and removed.

The CHIEF JUSTICE. The Chair recognizes Mr. Manager BRYANT.

Mr. Manager BRYANT. Thank you, Mr. Chief Justice.

Members of the Senate, the distinguished colleagues of the bar representing the President, I want to commend them for an outstanding effort that they have made throughout these proceedings and tell them that I just read a poll from a couple days ago, that something over 80 percent of the American people believe the President is guilty of something here. But I think that moots our entire debate. I don't think there is any need to even talk about the facts any longer because of the poll.

I use that tongue in cheek because that seems to beg the question that we are also going to talk about today, and that is whether the President ought to be removed for his conduct. And one of the arguments I have heard put forward since we have been here is the fact that the polls support this President and that the stability issue would be in play. And that is simply not the case because we all clearly understand that it is this body's function to determine not only the facts of this case, but also apply to it the law, as well as the constitutional law as to the removal and conviction process.

I still remain concerned with opposing counsels' continued reference that the House managers want to win too much. I know I am not that eloquent, but I did try to make that point the other day, and I will make it again. If I have to take an oath to tell the truth, the whole truth, and nothing but the truth, I will do that and tell you we are not trying to win at all costs. This has been a process that I think has been healthy for this country, and regardless of the outcome—it is going to be in your hands very shortly. Regardless of the outcome, this country will benefit not only in the short term but in the long term from this debate.

There are many, many other issues at stake here, and I tried to tell you a few the other day, without this concept that all we want to do is win, as if it is a simple game. We have been over the last 4 weeks, as men and women, as ordinary men and women I might say, involved in an extraordinary process. It is uniquely thorough. And we have tried to blend the facts of this case with the law of the charges, together with the politics and the polls and the media, and we have had to make some tough decisions. We have had to make some difficult decisions—I know we have on our side—as to what witnesses to call, how to treat these witnesses in depositions. I know on this side they have had to make difficult calls, I am sure. There has been some talk about having the President come down or not coming down. And what has in large part made this process distinct from past impeachments—and I am talking about the one last century of the President—and the subsequent judicial impeachments has been just, it seems, the media and the daily grind on all of us, the critiques. It is almost as if we are performing, we are in a play, and every day we get a review. We have been good, bad or indifferent.

What concerns me most about that is that as you move to the very serious issue of deciding whether or not this President should be convicted based on the facts, and whether this President should be removed, I am concerned that people are stretching the trees. And if that is what you see on TV and

that is what you read in the paper, you are going to see the trees and not the forest here and miss the big picture.

That is so important. It is not about the personalities of these people or the personalities here or the politics involved or the polls, but it is about the facts. And ladies and gentlemen of the Senate, there are conclusive facts here that support a conviction. The President and his attorneys, as I said the other day, have made a good defense and have tried to paint a picture to the facts I think that simply does not match with logic or common sense.

Take, for instance, the affidavit. Now, we continue to see Ms. Lewinsky testifying on video that she never talked with the President that night or never made—about linking the false story, the concocted story with the affidavit. And Mr. Ruff, I think, challenged people to say, well, what do you think the President meant to do that night when he called her at 2:30 in the morning?

Well, what do you think he intended to do in that call at 2:30 in the morning? Do you think he called her to tell her he had a Christmas present for her, or do you think his intent was to tell her, which he did, that you have been listed on the witness list and you could be subpoenaed. And, you know, you might give an affidavit to avoid testifying. He suggested the affidavit, and then he said in that same conversation, well, you know, you can always use that cover story.

Why would he suggest using a cover story that night? Were they even seeing each other then? It belittles all reasonable judgment to accept this type of defense of this conduct, that it was an innocent phone conversation, the President really meant nothing by it, and the fact that Ms. Lewinsky said, well, I didn't connect the two. But look at what she did. She went to her lawyer and used that concocted story in an affidavit that she filed in the case.

Now, it was in the draft affidavit. They took that out later for other reasons. But she did tell her lawyer that, and they attempted to use it. But, again, it is the President's state of mind that matters and what his intent was on the false affidavit.

And then that same false affidavit was later used in the court, and the President knew it was false. He knew it was false—used in the deposition. And we have seen the deposition testimony, with the President sitting, listening to his lawyer talk about that affidavit when he submitted it. And he obstructed justice by not objecting at that point, not instructing his own lawyer: Don't put that false evidence into this testimony.

People stand up and laugh and say, you know, he was not paying any attention, and they got this silly affidavit from this guy who was there and said he was looking at his lawyer but he couldn't tell what he was thinking. Of course he couldn't tell what he was thinking. Nobody is a mind reader. But this was a critical affidavit at that time which was going to cut off critical testimony in that case, and you can just about guarantee, I would say 100 percent, that the President was indeed listening very carefully, knew that his lawyer was submitting a false affidavit, and did nothing to stop it. That is another count of obstruction of justice.

Tampering with Betty Currie—two occasions. And they say, well, nothing happened between the first time and the second time. I am not so sure legally that matters. It was 2 or 3 days after it happened, 2 or 3—the day following his deposition and 2 or 3 days after that. Initially, remember his defense was: I was simply trying to recall what happened. And then we brought up the fact: Why did you go the second time? Did you have a short memory? Didn't you get it right the first time? And now we hear the defense today that nothing really changed and it is really one issue there, one big tampering rather than two attempts to tamper—still obstruction of justice.

The job situation Mr. HUTCHINSON will talk about later. Mr. Blumenthal, the same thing; I am sure Mr. ROGAN will talk about him in a minute.

But if you will look carefully, you will see that the President is the only thread that goes from each one of these, from the very beginning, from the point when he met Monica Lewinsky and from that point when he looked at that pink pass and said: You know, that's going to be a problem. And you know why that was going to be a problem. Because that limited her access to this President and what he was going to do. But from that point until they terminated the relationship, this President is involved in each one of these issues of the obstruction of justice.

It is always him, by himself, testifying falsely, sitting there letting his lawyers submit a false affidavit, or it is him and one other person—he and Monica Lewinsky talking about filing a false affidavit; he and Monica Lewinsky talking about a concocted story to testify. He and Betty Currie on two occasions: Betty, you remember the testimony was like this.

He and John Podesta, Sidney Blumenthal, the many aides—talking to them individually, giving them a false story. As Mr. HUTCHINSON pointed out so well in his argument the other day, it is always a private issue in terms of no one else knows what is going on. Vernon Jordan didn't know what was happening with the affidavit, necessarily. Betty Currie didn't understand what was happening with the affidavit, or the job search, to the point that they knew what was going on. Look at and analyze each one of these and you will see that there is a compartmentalization going on with this President. And he is at the center of it each time.

Now, what do we do with it? What do you do with it? It is going to be in your hands very shortly, and I want to address just a couple of points on the constitutional issue of the conviction and the removal, because White House counsel very, very well argued the issue of proportionality. And, again, proportionality simply means that the legacy of this Senate and this Congress will be that we have destroyed sexual harassment laws because what we are going to say—when you argue that proportionality, think about what it is.

We have heard this issue about, ''Well, back in my hometown, 80 percent of the people who get divorces lie about this issue.'' Certainly we don't want that to be the legacy of this Congress, that we legitimate lying in divorce cases; nor would we want to have the legitimacy of this Congress being that we did not support the sexual harassment laws, because you know and I know that this is an important part. Going back and getting accurate, truthful testimony is absolutely essential in these types of cases. And if we send a message out on the proportionality theory that it is just about sex and you can lie about it, it will be the wrong thing to do.

The laws, like the facts, are a very stubborn thing. And the fact that the economy is good and people are doing well—if the law has been broken, if perjury has been committed, if obstruction of justice has been committed by this President, it is my belief that the fact that the economy is good should not prevent this Senate from acting and removing the President. Just as if the economy were bad, you wouldn't want to be able to go in there and impeach the President because it is bad, you don't want to not impeach him simply because the economy is good.

It is a difficult task. We have had a difficult task bringing this case over to you. And I thank you. You have been here the 4 weeks in attendance. You paid attention. When it was your turn to ask questions, you asked very good questions. You have been ready to listen and I thank you for that.

You have a difficult task ahead of you. I know when I voted on this I thought, ''If this were a Republican President, what would I do?'' It is a tough choice. And I said, ''But I really think I would have voted the same way I voted even if it were a Republican President.'' I know. Like Mr. CHABOT, I voted for Mr. Carter in 1976. I voted for Mr. Reagan in 1980, I might add, but I voted for Mr. Carter in 1976 after the 1974 incident.

It is tough. And what has made it awfully hard is that you all have also taken an oath to do impartial justice. I simply ask you, as you consider these facts and do impartial justice, that you set a standard that, if you believe the President indeed did commit either perjury or obstruction of justice or both of those, that you set that standard high for the President, for the next President, for the next generations; you set that standard high for our courts that have to deal with perjury and obstruction every day, with people

who are less than the President but yet who are watching, watching very closely what we do up here. But set that standard high for the President. Don't lower our expectation in what we expect of the President. And I think if you do that, if you look high, if you set the standard high, that the right thing will be done.

I have confidence and have trust, and have just been so pleased with the way we have been received here. I know you will do the right thing.

I apologize to you, as I will be talking to you probably for my last time, if I have come across being up here preaching to you. It is not my intent to lecture you. You do not need any lectures from me or anyone else to preach to you. I hope I have had that opportunity to rebut some of the area—the proof in the area that I am in charge of. But I will just simply sit down by telling you there is conclusive proof here, particularly in terms of the obstruction of justice charges, of the hiding of the evidence, of the filing of false affidavit.

I think I did skip over the hiding of the evidence. Let me just quickly say, I am not sure a lot new can be added to what was said in the past. But if Monica is telling the truth, as her lawyers or as the President's lawyers seem to tell you, that is a no-brainer there, because she says, ''I know for a fact that Ms. Currie called me, that she initiated the call.'' And as I told you the other day, from that point forward it seems to me a moot issue, because the initiation of the phone call by Betty Currie began a process to hide that evidence. And the only way that Betty Currie would have known to make that call, to begin that process of hiding evidence, would be to have had a conversation with the President, to have been instructed that way.

For the President, whose intent was to conceal the relationship, it would have been totally inconsistent for him to suggest that she turn the evidence over. It would have been totally consistent for him to ask Betty Currie to go out and hide the evidence, get it from Ms. Lewinsky and hide the evidence.

As I close, let me just tell you, too—on the heels of Mr. CANADY—that there are law professors who testified in our hearing who have the contrary view to the view that was expressed by other law professors that Mr. Ruff referred to, that it is constitutional to impeach a President for conduct that is not clearly official, that might be described as personal, particularly conduct of perjury or obstruction of justice.

Professor Turley says:

> In my view, serious crimes in office, such as lying under oath before a federal grand jury, have always been ''malum in se'' conduct for a president and sufficient for impeachment.

Professor John McGinnis of Benjamin Cardozo Law School says that obstruction of justice is clearly within the ambit of high crimes and misdemeanors.

If there is any question of this private conduct versus personal conduct, that view is out there. Given the right type of personal misconduct, it is clearly an impeachable offense. With that, I call Mr. Manager HUTCHINSON to follow me.

The CHIEF JUSTICE. The Chair recognizes Mr. Manager HUTCHINSON.

Mr. Manager HUTCHINSON. Thank you, Mr. Chief Justice.

Ladies and gentlemen of the Senate, when I was appointed as a manager, I hoped to present the case before the Senate with my colleagues in a manner that was consistent with the dignity of this great body and also respectful of the constitutional independence of the Senate. I hope that you agree and believe that we have done that as we have come over here.

During the months of this trial process, I have grown to appreciate the institution of the Senate to a greater degree than ever before, but I think of even more importance to me, I have grown to respect the individuals that comprise this body more than ever. Let me say, it has been a privilege to appear before you.

As we come to the close of this case, let's go to the key questions that should be on your mind. First of all, has the obstruction of justice and perjury cases been proven? Have the allegations been proven? My colleagues have touched upon the perjury. Let me talk about article II on the obstruction of justice.

The White House defense team, composed of extraordinarily distinguished and talented attorneys, has tried to diminish the significance of the overwhelming facts on obstruction by using certain phrases such as, ''It's all circumstantial,'' or ''The managers ignore those stubborn facts,'' or ''They want to win too badly,'' or ''It's a shell with no shell.'' And today the latest catch phrase, ''moving targets, empty pots.''

Those are certainly quotable phrases designed to diminish the factual presentation with dripping sarcasm, but I believe that they ignore the underlying facts, testimony, and evidence that has been presented.

Let me just address a couple of arguments that Mr. Ruff has presented during his presentation.

The first argument that he presented as he described it was a technical argument, that the article II obstruction of justice charge in the articles of impeachment on the lying to the aides was not really in reference to the Federal civil rights case, and that is a true statement. But if you read article II, paragraph 7, it refers to this and says:

> . . .The false and misleading statements made by William Jefferson Clinton were repeated by the witnesses to the grand jury, causing the grand jury to receive false and misleading information.

The article is appropriately drafted, is well stated, and gives them total notice as to what that charge is about.

Some of the other arguments have been handled by my colleagues, but Mr. Ruff also said, Why have the managers never, never explained, if this is such an urgent matter for the President, why did he wait until December 17 to tell Ms. Lewinsky that she was on the list?

I am afraid Mr. Ruff failed to listen to my opening presentation when I went through that timeframe. In that timeframe, the witness list came out on December 5, it continued to accelerate, December 11 was Judge Wright's order. Then it was December 17 that the call was made at 2 a.m. in the morning to let Ms. Lewinsky know she was on the list. Why was it December 17? This is in the President's mind. No one knows why he picked that particular date, but perhaps it was that the job search was well underway then. He felt like she could handle this distressing information and, in fact, on the day after that call, she already had two interviews lined up on that same day, December 18, set up by Mr. Jordan. So perhaps it was an appropriate time to let her know she was on the witness list.

They raised the question about the Christmas gifts. You have the testimony of Betty Currie, you have the testimony of Ms. Lewinsky, and the issue is simply: Do you believe Monica Lewinsky? If you accept her reluctant testimony, yet forceful and clear testimony, that the call came from Betty Currie, then you have no choice but to conclude that the retention of the gifts, the retrieval of the gifts was initiated by the President of the United States.

When you go to the job search, and they point to the testimony, they played the video of Mr. Jordan who said that there was never a conversation in which both the job and the false affidavit were discussed together, they cut it off at that point. You remember I had a ''but'' in there. If you had heard further beyond that, you would have heard me cross-examining Mr. Jordan, as I did, and reminding him of his previous testimony in which he acknowledged that in every conversation with Ms. Lewinsky, they talked about the job. So he acknowledged that they talked about the job and the affidavit all in the same conversation together.

Mr. Ruff makes the point that the managers got close enough to accuse Mr. Jordan of telling Ms. Lewinsky to destroy the notes, implying that we are making up this. But is this evidence that is coming from the managers? It is my recollection that it is testimony coming from Ms. Monica Lewinsky. We are not concocting this. It is testimony from witnesses that have been brought before this body, whose sworn testimony you have received, whose sworn testimony they defended and rely upon, but when it comes to this, they say, ''No, it's the managers.''

Then they come to another pillar of obstruction, the one that they avoid at every opportunity, but finally addressed today, and that is the coaching

of Betty Currie. I was interested that they finally talked about this, the first coaching incident and then the second one. Mr. Ruff tried to go into that it is clear that it occurred on January 20 rather than 21. In fact, it is her testimony that it occurred on one of those days. But they miss the point.

The legal significance of the second coaching episode is that it totally goes against the defense of the President—that it was there, he was doing this to acquire information, to get facts, to help in media inquiries.

If that is the case, there is absolutely no reason for it to be done on the second occasion and, clearly, she was known to be a witness at that time, and that is the legal significance.

It goes to his intent, his motive, what he is trying to do to a subordinate employee. The fact of this matter is that this is not a case that is based upon circumstantial evidence. On each element of obstruction, there is direct testimony linking the President to a consistent pattern of conduct designed to withhold information, conceal evidence and tamper with witnesses to avoid obedience and directives of a Federal court.

Let's look at the direct proof, not circumstantial evidence, but direct testimony.

What did Vernon Jordan testify as to the President's involvement in the job search?

Question to Mr. Jordan:

You're acting in behalf of the President when you're trying to get Ms. Lewinsky a job and you were in control of the job search?

His answer:

Yes.

He was acting at the direction of the President and he was in control.

What did Vernon Jordan testify he told the President when a job was secured for a key witness and the false affidavit was signed?

Mr. President, she signed the affidavit, she signed the affidavit.

Then the next day, the job is secured and the report to Betty Currie, the report to the President, ''Mission accomplished.''

Is this circumstantial evidence? This is direct testimony by a friend and confidante of the President, Vernon Jordan.

Who is the one person who clearly knew all of the ingredients to make the job search an obstruction of justice? It was the President who knew he had a dangerous relationship with Ms. Lewinsky. He knew his friend was securing a job at his direction, and he knew that a false affidavit was being procured at his suggestion. He was the one person who knew all the facts.

Fourthly, Ms. Lewinsky, is this circumstantial evidence or direct testimony when she talked about what the President told her on December 17? She was a witness, and immediately following the fact she was a witness, the suggestion that she could use the cover stories, the suggestion that she could use an affidavit.

Direct testimony, was it direct proof about the President's tampering with the testimony of Betty Currie? It was Betty Currie herself who acknowledged this and testified to it. No, this is not circumstantial evidence, it is direct testimony.

The same with Sidney Blumenthal. Direct testimony after direct testimony painting a picture, setting up the pillars of obstruction.

They want you to believe Monica Lewinsky sometimes, but they don't want you to believe her other times, and you have to weigh her testimony.

I could go on with the facts, but the truth is that our case on obstruction of justice has been established. Some of you might conclude, ''Well, I accept five or six of those pillars of obstruction, but there is one I have a reservation about.'' If you look at the article, if there is one element of obstruction that you accept and believe and you agree upon, then that is sufficient for conviction and, surely, it is sufficient to convict the President, if there was even one element of obstruction.

I remind you that a typical jury instruction on conspiracy for obstruction would be that it takes only one overt act to satisfy the requirements for conviction. The Government doesn't have to prove all the overt acts, just one that was carried out.

Another question some of you might be thinking about is, Is this serious enough to warrant conviction and removal? One of the foundations of our judicial system is that any citizen, regardless of position or power, has access to the court. Can you imagine the shock and outrage of this body if a corporation, in an effort to protect itself from liability, concealed evidence and provided benefits to those witnesses who are cooperative? Outrage; injustice. And those are the allegations against the tobacco companies. Those are the allegations last night on CBS, ''60 Minutes,'' about a major corporation. And there should be outrage by this body. We would rightfully be outraged about that. And we should also be outraged if it happened by the President. It should be no less when it is conducted by the President.

The next argument is: ''Well, yes, the President should be held accountable, but he can always be prosecuted later. In fact, I understand a censure resolution is being circulated emphasizing that the President can be held criminally responsible for his actions when he leaves office. This is not too subtle of a suggestion that the independent counsel go ahead and file criminal charges against the President.''

I appreciate Judge Starr, but I do not believe that is what the country has in mind when they say they want to get this matter over. I do not believe your vote on the articles of impeachment should be a signal to the independent counsel to initiate criminal proceedings. It appears to me that that is the implication of this censure resolution being discussed.

I would emphasize that it is this body that the founding fathers entrusted with the responsibility to determine whether a President's conduct has breached the public trust. And your decision in this body should conclude this matter. It should not be the initiation of another national drama that will be carried over the next 3 years.

And finally, there are some who consider the politics of this matter. We have proven our case. I entered this body thinking that this was a legal, judicial proceeding and not political. And I have been reminded there are political aspects under the Constitution to a Senate trial. So I concede the point.

We are all familiar with ''Profiles in Courage'' written by John F. Kennedy. He reminds us of the courageous act of Senator Edmund G. Ross in voting for the acquittal of President Andrew Johnson in his impeachment trial. Senator Ross was a profile in courage because he knew the case against President Johnson was not legally sufficient, even though the politically expedient vote was to vote for conviction. Senator Ross followed the facts and he followed the law, and he voted his conscience. It was to his political detriment, but it reflected his political courage.

Today we have a different circumstance. The question is, Will the Senators of this body have the political courage to follow the facts and the law as did Senator Ross, despite enormous political pressure to ignore the facts and the law and the Constitution? You will make that decision.

I appear before this body as an advocate. I am not paid for this special responsibility. But I am here because I believe the Constitution requires me to make this case. The facts prove overwhelmingly that the President committed obstruction of justice and perjury. Despite this belief, whatever conclusion you reach will not be criticized by me. And I will respect this institution regardless of the outcome.

As the late Federal Judge Orin Harris of Arkansas always said from the bench to the jury when I was trying cases—and I hated his instruction because I was the prosecutor—but he would tell the jury, ''Remember, the government never wins or loses a case. The government always wins when justice is done.'' Well, this is the Congress and this is the Senate. And it is your responsibility to determine the facts and to let justice roll down like mighty waters.

The CHIEF JUSTICE. The Chair recognizes Mr. Manager ROGAN.

Mr. Manager ROGAN. Mr. Chief Justice, distinguished counsel for the President, Members of the U.S. Senate, for me the most poignant part of this entire proceeding was the day, a few weeks ago, when we were addressed by the distinguished former Senator from Arkansas, Dale Bumpers. And probably the thing that touched me most about

his presentation is when he talked about the human element of what this impeachment proceeding has meant and how difficult that has been.

It touched me because it made me remember that that difficulty is not limited solely for Democrats in this Chamber. I am one of the House managers. I am a Republican today. But that was not always the case. I used to be a Democrat. And being a House manager in the impeachment of President Clinton has been especially difficult for me. And I would like to tell you why.

Twenty years ago, in December 1978, I was finishing my last semester of college and had just applied to law school. I was waiting for my application to be accepted someplace. And in December of 1978, I was a delegate in Memphis, TN, to the Democratic Midterm Convention.

Now, at that time President Carter was halfway through his term of office. He was not particularly popular among the party faithful. There was a great deal of sentiment that a Member of this body today should challenge him for the nomination. That decision had not yet been made, but among the delegates to that convention there was an overwhelming desire to see Senator TED KENNEDY appear.

The Carter White House froze Senator KENNEDY out of the proceedings. He was not invited to address the convention. His name appeared nowhere in the program. So the delegates did something on their own. There were workshops being held during the day, and a workshop on health care was called. And Senator KENNEDY was invited to fly out that day and address that workshop. He did that in the afternoon, and he left after he addressed it. I had gone to a workshop that morning where President Carter personally appeared, and my recollection is about 200 or 300 people came to that. Senator KENNEDY's workshop had to be transferred to a large auditorium because about 2,000 people appeared to hear him.

The Senator came, he spoke, and he left. I stayed even though most people left with him, because I was fascinated by the young fellow who was moderating the program that day. He was bright, he was in control, he was articulate. He didn't look that much older than me. And I was stunned that this young man was not only the attorney general of his State, but he was the Governor-elect of the State.

Sometime after that workshop I walked up to him and introduced myself. I told him who I was, and he spent about 15 minutes encouraging me to go to law school, to stay active in politics. His name was Bill Clinton. I have never forgotten that day 20 years ago when then-Attorney General Clinton took the time for a young fellow who had an interest in the law and politics. And I have never forgotten in recent days the graciousness he has shown to me, to my wife, and to my children when we have encountered him.

This has been a very difficult proceeding for me and for my colleagues, the House managers. But our presence here isn't out of personal animosity toward our President. It is because we believe that, after reviewing all the evidence, the President of the United States had committed obstruction of justice and perjury, he had violated his oath of office; and in so doing he had sacrificed the principle that no person is above the law. And friendship and personal affection could not control under those circumstances.

Up until now, the idea that no person is above the law has been unquestioned. And yet this standard is not our inheritance automatically. Each generation of Americans ultimately has to make that choice for themselves. Once again, it is a time for choosing. How will we respond? By impeaching the President, the U.S. House of Representatives made that choice. It went on record as saying that our body would not tolerate the most powerful man in the world trampling the constitutional rights of a lone woman, no matter how obscure or humble she might be.

We refused to ignore Presidential misconduct despite its minimization by spin doctors, pundits, and, yes, even the polls. The personal popularity of any President pales when weighed against the fundamental concept that forever distinguishes us from every nation on the planet: No person is above the law.

The House of Representatives jettisoned the spin and the propaganda. We sought, and we have now presented, the unvarnished truth. Now it is your unhappy task to make the final determination, face the truth, and polish the Constitution, or allow this Presidency, in the words of Chairman Henry Hyde, to take one more chip out of the marble.

The Constitution solemnly required President Clinton, as a condition of his becoming President, to swear an oath to preserve, protect and defend the Constitution, and to take care that the laws be faithfully executed.

That oath of obligation required the President to defend our laws that protect women in the workplace, just as it also required him to protect the legal system from perjury, abuse of power, and obstruction of justice. Fidelity to the Presidential oath is not dependent upon any President's personal threshold of comfort or embarrassment. Neither must it be a slave to the latest poll.

How important was this oath to our founders? Did they intend the oath to have primacy over the shifting winds of political opinion? Or did they bequeath to us an ambiguous Constitution that was meant to roll with the punches of the latest polling data and focus groups? The Constitution gives us that answer in article II, section 1. It says:

> Before he enters on the execution of his office, he shall take . . . [an] oath.

And the oath is then prescribed.

The mere fact that a person is elected President does not give him the right to become President, no matter how overwhelming his vote margin. Votes alone do not make a person President of the United States. There is a requirement that precedes obtaining the power and authority of obtaining the Presidency. It is the oath of office. It is swearing to preserve, protect, and defend the Constitution. It is accepting the obligation that the laws are to be faithfully executed.

No oath, no Presidency. It is the oath of office, and not public opinion polls, that gives life and legitimacy to a Presidency. This is true no matter how popular an elected President may be, or how broad his margin of victory.

The founders did not intend the oath to be an afterthought or a technicality. They viewed it as an absolute requirement before the highest office in the land was entrusted to any person. The evidence shows the President repeatedly violated his oath of office. Now the focus shifts to your oath of office. The President hopes that in this Chamber the polls will govern. On behalf of the House of Representatives, we entreat you to require the Constitution reign supreme. For if polls matter more than the oath to uphold the law, then yet another chip out of the marble has been struck.

The cry has also been raised that to remove the President is to create a constitutional crisis by undoing an election. There is no constitutional crisis when the simple process of the Constitution comes into play. Listen to the words of Dr. Larry Arnn of the Claremont Institute:

> [E]lections have no higher standing under our Constitution than the impeachment process. Both stem from provisions of the Constitution. The people elect a president to do a constitutional job. They act under the Constitution when they do it. At the same time they elect a Congress to do a different constitutional job. The president swears an oath to uphold the Constitution, both in elections and in the impeachment process.
>
> If the president is guilty of acts justifying impeachment, then he, not the Congress, will have ''overturned the election.'' He will have acted in ways that betray the purpose of his election. He will have acted not as a constitutional representative, but as a monarch, subversive of, or above, the law.
>
> If the great powers given the president are abused, then to impeach him defends not only the results of elections, but that higher thing which elections are in service, namely, the preeminence of the Constitution[.]

The evidence clearly shows that the President engaged in a repeated and lengthy pattern of felonious conduct—conduct for which ordinary citizens can be and have been jailed and lost their liberty. This simply cannot be wished or censured away.

With his conduct aggravated by a motivation of personal and monetary leverage in the Paula Jones lawsuit, the solemnity of our sacred oath obliges us to do what the President regretfully has failed to do: defend the rule of law, defend the concept that no person is above the law.

On the day the House impeached President Clinton, I said that when

they are old enough to appreciate the solemnity of that action, I wanted my little girls to know that when the roll was called, their father served with colleagues who counted it a privilege to risk political fortunes in defense of the Constitution.

Today, I am more resolute in that opinion. From the time I was a little boy, it was my dream to one day serve in the Congress of the United States. My dream was fulfilled 2 years ago. Today, I am a Republican in a district that is heavily Democratic. The pundits keep telling me that my stand on this issue puts my political fortunes in jeopardy. So be it. That revelation produces from me no flinching. There is a simple reason why: I know that in life dreams come and dreams go. But conscience is forever. I can live with the concept of not serving in Congress. I cannot live with the idea of remaining in Congress at the expense of doing what I believe to be right.

I was about 12 years old when a distinguished Member of this body, the late Senator Ralph Yarborough of Texas, gave me this sage advice about elective office:

> Always put principle above politics; put honor above incumbency.

I now return that sentiment to the body from which it came. Hold fast to it, Senators, and in doing so, you will be faithful both to our founders and to our heirs.

The CHIEF JUSTICE. The Chair recognizes Mr. Manager GRAHAM. The managers have 45 minutes remaining.

Mr. Manager GRAHAM. I promise not to take the whole 45 minutes. I have been told that my voice fades, and I will try not to let that happen here.

As we bring the trial to a conclusion, I think it needs to be said from our side of the aisle that our staff has been terrific. You don't know how many hours of sleep have been lost by the young men and women working to put this case together under the procedures that the Senate developed. They have done an absolutely magnificent job. If there is anybody to blame on our side, blame us, because our staff has done a terrific job. That just needs to be said.

Now, let's talk about Mr. ROGAN's district. True, if there is anybody on our side of the aisle that has been at risk it has been JIM. I have made some lifelong friends in this situation, really on both sides of the aisle. This has been tough, tough, tough for our country, but sometimes some good comes from tough situations, and I think some good will come from this before it is all said and done, ladies and gentlemen of the Senate. I know it doesn't look to be so, but it will be so later on.

I come from a district where I am the first Republican in 120 years. They told me they hung the other guy, so I know I am doing better. I am 4 years into this thing. This is my third term.

You can take the national polls and turn them upside down in my district, but I have on occasion said that if the President would reconcile himself to the law, I would be willing to consider something less than impeachment. I can assure you that did not go over well with some people in my district. But I thought that would be good for the country.

The elections come and go and we can get through just about anything and everything in this country, but it does take leadership, and character does still count. Having said that, I am a sinner like the rest of us, and part of the problem with this case is we have to confront our own sins, because who are we to judge others when the things get to be private and personal? I am not asking you to use that standard. I am standing before you as a sinner, and I would never want my President or your President removed because of private sins. Only when it gets to be constitutionally out of bounds. Only when it gets to be so egregious that you can't look your children in the eye and explain what happened here in terms of the law. We can all explain human failings, but we have a real mixed message going on, and it needs to be straightened out for them.

If you could bring the Founding Fathers back, as everybody has suggested, the first debate would be, could we call them as a witness? There would be some people objecting to that. Live or dead, it's been hard to get a witness. [Laughter.]

I guarantee you, I think they would say to us: ''What's a poll?'' They would be instructive, but we can't summon them back. Do you know what I really think they would tell us? They would tell us that we started this thing, and it's up to you all to carry it on. And it is. They would be right. It is not their job to tell us what to do. It's our job to take the spirit of what they did and build on it.

If you have kept an open mind, you have fulfilled your job. If you have listened to the facts and you vote your conscience, you will have fulfilled your job. I will not trample on your conscience; I have said that before. I started this process with great concern and I leave with a lot of contentment because I believe the facts have withstood the test of every type of scrutiny and demagoguery that have been thrown at them. They stand firm. Do you know what they are going to stand? They're going to stand the test of history. Some people suggest that history may judge you badly if you vote to convict this President. I suggest that that will be the least of your problems.

Our past and this present moment becomes our Nation's future. What are we going to leave to the future generations? What do we do when the next Federal judge is brought before this body having been impeached by the House for cheating on their taxes? Are we going to self-righteously throw that Federal judge out after having listened to this massive case of obstruction of justice and perjury before a grand jury? We may throw that Federal judge out, but we will have to walk out the door backward; we will not walk out boldly. What happens when the next Federal judge is acquitted by a jury of his peers, and you know the result would be just to remove that judge? You did the right thing by not being bound by the acquittal in the case of Judge Hastings. You did the right thing to get to the truth and act accordingly, because for people who sit in judgment of others there needs to be no reasonable doubt about who they are and what they are able to do in that role. The President of the United States is at the top of the legal pyramid. If there is reasonable doubt about his ability to faithfully execute the laws of the land, our future will be better off if that individual is removed.

Let me tell you what it all comes down to for me. If you can go back and explain to your children and your constituents how you can be truthful and misleading at the same time, good luck. That is the legacy that Bill Clinton has left all of us if we keep him in office—the idea that ''I was truthful but misleading.'' That scenario focuses around whether or not one type of sex occurred versus the other type of sex. He is wanting you to buy into this definition that was allowed to exist because the wording wasn't quite right. That is the essence of it—''I was truthful, but I was misleading.''

Mr. Podesta asked a little more questions than the other people did and the President denied any type of sexual relationship to him. Was he truthful there? Was he truthful in his grand jury testimony? How can you be both? It is just absolutely impossible.

I want to play two clips for you now.

(Text of videotape presentation:)

> Q. Now, you've stated, I think, very honestly, and I appreciate, that you were lied to by the President. Is it a fair statement, given your previous testimony concerning your 30-minute conversation, that the President was trying to portray himself as a victim of a relationship with Monica Lewinsky?
>
> A. I think that's the import of his whole story.

Before you put the other tape in, every Member of this body should need to answer this question: Is that a truthful statement? If you believe that the President of the United States is a victim of Ms. Lewinsky, we all owe him an apology. He is not. He is not.

You ask me why I want this President removed? Not only are they high crimes, not only do they rise to the level of constitutional out-of-bounds behavior, not only are they worse than what you remove judges for, they show a tremendous willingness of a national leader to put himself above anything decent and good. I hope that still matters in America.

The next clip:

(Text of videotape presentation:)

> Q. Would it be fair to say that you were sitting there during this conversation and that you had previously been told by the President that he was in essence a victim of

Ms. Lewinsky's sexual demands, and you said nothing to anyone?

MR. McDANIEL: Is the question, ''You said''——

THE WITNESS: I don't——

MR. McDANIEL: Is the question, ''You said nothing to anyone about what the President told you?''——

MR. GRAHAM: Right.

THE WITNESS: I never told any of my colleagues about what the President told me.

BY MR. GRAHAM:

Q. And this is after the President recants his story—recounts his story—to you, where he's visibly upset, feels like he's a victim, that he associates himself with a character who's being lied about, and you at no time suggested to your colleagues that there is something going on here with the President and Ms. Lewinsky you need to know about. Is that your testimony?

A. I never mentioned my conversation. I regarded that conversation as a private conversation in confidence, and I didn't mention it to my colleagues, I didn't mention it to my friends, I didn't mention it to my family, bedsides my wife.

Q. Did you mention it to any White House lawyers?

A. I mentioned it many months later to Lanny Breuer in preparation for one of my grand jury appearances, when I knew I would be questioned about it. And I certainly never mentioned it to any reporter.

Ladies and gentlemen of the Senate, I have asked you several times to vote your conscience, and I will not step on it if you disagree with me; but I have always said let us tell the story about what happened here. I am saying it again. Ladies and gentlemen, we need to get to the truth, nothing but the truth, the whole truth, and let the chips fall where they may.

Let me say this about being truthful but misleading. Can you sit back as the President, after you told a lie to a key aide, where you portrayed yourself as a victim, and watch the press stories role out along the lines that ''she wears her dresses too tight''; ''she comes from a broken home''; ''she's a stalker''; ''she's sex obsessed''; can you sit back and watch all that happen and still be truthful but misleading?

We have laws against that in this country. We have laws in this country that even high Government officials cannot tell a lie to somebody knowing that lie will be repeated to a grand jury. That is exactly what happened here. He portrayed himself as a victim, which is not a misleading statement; it is a lie because if you knew the truth, you wouldn't consider him a victim. And that lie went to the Federal grand jury. And those citizens were trying very hard to get it right, and he was trying very hard to mislead them. At every turn when they tried to get to the truth, he ran the other way, and he took the aura of the White House with him.

If you believe he is a victim, then you ought to acquit him. If you believe he has lied, then he ought not to be our President.

There are two things in this case that are crimes, two aspects of it—before the Paula Jones deposition and after the Paula Jones deposition. I am going to leave this with you for the very last time. The affidavit was an attempt to have a cover story where both of them could lie and go on about their lives. The job search was to take somebody who had been friendly and get them a job so they could go on about their lives someplace else, and get this matter behind them and conceal from a court the truth. Those things are crimes.

These gifts being under the bed of Betty Currie, the President's secretary, is no accident. They didn't walk over there by themselves. They got conveyed by a secretary after she picked them up from his consensual lover. People have figured that part out. It is no accident that happened. That is a crime—when you are subpoenaed to give those gifts.

But it is still about getting her a job and having a cover story so she could go on with her life. But when the article came out on January 21, the whole flavor of this case changed. And I don't know how you are going to explain it to yourself or others. But I want to lay out to you what I think happened based on the evidence.

That January 21 when the story broke that she may have been telling what went on, and the President was faced with the idea that the knowledge of their relationship was out in the public forum, what did he do then? There were no more nice jobs using a good friend. There was no more ''Let's see if we can hide the gifts and play hide the ball.'' Do you know what happened then? He turned on her. Not my favorite part of the case—it is the most disgusting part of the case. It is part of the case that history will judge. The crimes change. They become more ominous, because the character traits became more ominous. The young lady who was the stalker, who was sex-obsessed, who wore her skirts too tight, that young lady was being talked about openly in the public. That young lady was being lied about to the Federal grand jury. And the truth is that young lady fell in love with him. And probably to this day a 24- or 25-year-old young girl doesn't want to believe what was going to come her way. But you all are adults. You all are leaders of this Nation. For you to look at these facts and conclude anything else would be an injustice, because without that threat, ladies and gentlemen, the stories were going to grow in number, and we would have no admissions of ''misleading'' and ''truthful.''

The White House is the bully pulpit. But it should never be occupied by a bully. The White House will always be occupied by sinners, including our Founding Fathers, and future occupants.

What we do today will put a burden on the White House and the burden on our future, one way or the other. Is it too much of a burden to say to future Presidents, Don't fabricate stories in front of a grand jury, don't parse words, don't mislead, don't lie when you are begged not to? Is it too much to say to a President, If you are ever sued, play it straight; don't hide the gifts under the bed, don't give people false testimony, don't try to trash people who are witnesses against you? If that is too much of a burden to put on the White House, this Nation is in hopeless decline. It is not too much of a burden, ladies and gentlemen. It is only common decency being applied to the occupant of the White House.

To acquit under these facts will place the burden on the constitutional process of impeachment and how we deal with others, Federal judges and other high public officials. That, I suggest to you, will be almost irreconcilable.

I want my country to go boldly into the next century. I don't want us to limp into the next century. I don't want us to crawl into the next century regardless of rule of law. No matter what you do, we will make it. But the difference between how you vote here, I think, determines whether we go boldly with the rule of law intact, or whether we have to explain it for generations to come.

I leave with you an example that I think says much. General MacArthur was removed by President Truman, a very popular fellow at the time. The reaction to the MacArthur dismissal was even more violent than Truman had expected. And for an entire year the majority of public opinion ranked itself ferociously against him. He said characteristically, as he felt that hostile poll, ''I wonder where Moses would have gone if they had taken a poll in Egypt. And what would Jesus Christ have preached if they had taken a poll in the land of Israel? It isn't polls that count. It is right and wrong and leadership of men with fortitude, honesty, and the belief in the right that make epics in the history of the world.''

Ladies and gentlemen of the Senate, thank you for listening. If you have any doubts about whether this President has committed high crimes, we need to make sure the Senate itself has told the truth. Don't leave any doubts lingering, because the evidence is overwhelming that these offenses occurred. The crime of perjury and obstruction of justice have traditionally been high crimes under our Constitution. For God's sake, let it remain so. And let it be said that no President can take the Presidency and the bully pulpit of the Presidency and hurt average citizens from it.

Thank you very much. I yield now to our chairman.

The CHIEF JUSTICE. The Chair recognizes Mr. Manager HYDE.

Mr. Manager HYDE. Mr. Chief Justice, learned counsel, and the Senate, we are blessedly coming to the end of this melancholy procedure. But before we gather up our papers and return to the obscurity from whence we came—

(Laughter.)

Permit, please, a few final remarks.

First of all, I thank the Chief Justice not only for his patience and his perseverance but for the aura of dignity that he has lent to these proceedings. And it has been a great thrill for me to be here in his company, as well as in the company of you, distinguished Senators.

Secondly, I want to compliment the President's counsel. They have conducted themselves in the most professional way. They have made the most of a poor case, in my opinion. There is an old Italian saying—and it has nothing to do with the lawyers, but to your case—that ''you may dress the shepherd in the silk, he will still smell of the goat.'' (Laughter.)

But all of you are great lawyers. And it has been an adventure being with you.

You know, the legal profession, like politics, is ridiculed pretty much. And every lawyer feels that and understands the importance of the rule of law, to establish justice, to maintain the rights of mankind, to defend the helpless and the oppressed, to protect innocents, to punish guilt. These are duties which challenge the best powers of man's intellect and the noblest qualities of the human heart. We are here to defend the bulwark of our liberty, the rule of law.

As to the House managers, I want to tell you and our extraordinary staff how proud I am of your service. For myself, I cannot find the words to adequately express how I feel. I must use the inaudible language of the heart. I have gone through it all by your side—the media condemnation, the patronizing editorials, the hate mail, the insults hurled in public, the attempts at intimidation, the death threats, and even the disapproval of our colleagues, which cuts the worst.

You know, all a Congressman ever gets to take with him when he leaves this building is the esteem of his colleagues and his constituents—and we have risked even that for a principle, for our duty, as we have seen it.

In speaking to my managers, of whom I am interminably proud, I can borrow the words of Shakespeare, ''Henry V,'' as he addressed his little army of longbowmen before the Battle of Agincourt. And he said:

> We few, we happy few, we band of brothers
> For he that sheds his blood with me
> Shall be my brother
> And gentlemen in England, now abed
> shall think themselves accursed they
> were not here
> And hold their manhood cheap
> while any speaks
> That fought with us upon St. Chrispen's day

As for the juror judges, you distinguished Senators, it is always a victory for democracy when its elected representatives do their duty, no matter how difficult and unpleasant, and we thank you for it. Please don't misconstrue our fervor for our cause to any lack of respect or appreciation for your high office. But our most formidable opponent has not been opposing counsel nor any political party; it has been the cynicism, the widespread conviction that all politics and all politicians are, by definition, corrupt and venal.

That cynicism is an acid eating away at the vital organs of American public life. It is a clear and present danger, because it blinds us to the nobility and the fragility of being a self-governing people.

One of the several questions that needs answered is whether your vote on conviction lessens or enlarges that cynicism. Nothing begets cynicism like the double standard—one rule for the popular and the powerful and another for the rest of us.

One of the most interesting things in this trial was the testimony of the President's good friend, the former Senator from Arkansas. He did his persuasive best to maintain the confusion that this is all about sex. Of course, it is useful for the defense to misdirect our focus to what everyone concedes are private acts and none of our business. But if you care to read the articles of impeachment, you won't find any complaints about private sexual misconduct. You will find charges of perjury and obstruction of justice which are public acts and Federal crimes, especially when committed by the one person duty bound to faithfully execute the laws. Infidelity is private and noncriminal. Perjury and obstruction are public and criminal. The deliberate focus on what is not at issue here is a defense lawyer's tactic and nothing more. This entire saga has been a theater of distraction and misdirection, time-honored defense tactics when the law and the facts get in the way.

One phrase you have not heard the defense pronounce is the ''sanctity of the oath.'' But this case deeply involves the efficacy, the meaning, and the enforceability of the oath. The President's defenders stay away from the word ''lie,'' preferring ''mislead'' or ''deceive.'' But they shrink from the phrase ''sanctity of the oath,'' fearing it as one might a rattlesnake.

There is a visibility factor in the President's public acts and those which betray a trust or reveal contempt for the law are hard to sweep under the rug, or under the bed, for that matter. They reverberate, they ricochet all over the land, and provide the worst possible example for our young people. As that third-grader from Chicago wrote to me, ''If you can't believe the President, who can you believe?''

Speaking of young people, in 1946 a British playwright, Terrance Rattigan, wrote a play based on a true experience that happened in England in 1910. The play was called ''The Winslow Boy.'' And the story—as I say, a true story—involved a young 13-year-old lad who was kicked out of the Royal Naval College for having forged somebody else's signature on a postal money order. Of course, he claimed he was innocent, but he was summarily dismissed and his family, of very modest means, could not afford legal counsel, and it was a very desperate situation. Sir Edward Carson, the best lawyer of his time—barrister, I suppose—got interested in the case and took it on pro bono and lost all the way through the courts.

Finally, he had no other place to go, but he dug up an ancient remedy in England called ''petition of right.'' You ask the King for relief. And so Carson wrote out five pages of reasons why a petition of right should be granted and, lo and behold, it got past the Attorney General, it got to the King. The King read it, agreed with it, and wrote across the front of the petition, ''Let right be done. Edward VII.''

I have always been moved by that phrase. I saw the movie; I saw the play; and I have the book. And I am still moved by that phrase, ''Let right be done.'' I hope when you finally vote that will move you, too.

There are some interesting parallels to our cause here today. This Senate Chamber is our version of the House of Lords, and while we managers cannot claim to represent that 13-year-old Winslow boy, we speak for a lot of young people who look to us to set an example.

Ms. Seligman last Saturday said we want to win too badly. This surprised me because none of the managers has committed perjury nor obstructed justice and claimed false privileges, none has hidden evidence under anyone's bed nor encouraged false testimony before the grand jury. That is what you do if you want to win too badly.

I believe it was Saul Bellow who once said, ''A great deal of intelligence can be invested in ignorance when the need for illusion is great.'' And those words characterize the defense in this case. ''The need for illusion'' is very great.

I doubt there are many people on the planet who doubt the President has repeatedly lied under oath and has obstructed justice. The defense spent a lot of time picking lint. There is a saying in the courts, I believe, that equity will not stoop to pick up pins. But that was their case. So the real issue doesn't concern the facts, the stubborn facts, as the defense is fond of saying, but what to do about them.

I am still dumbfounded about the drafts of the censures that are circulating. We aren't half as tough on the President in our impeachment articles as this draft is that was printed in the New York Times:

> An inappropriate relationship with a subordinate employee in the White House which was shameless, reckless and indefensible.

I have a problem with that. It seems they are talking about private acts of consensual sexual misconduct which are really none of our business. But that is the leadoff.

Then they say:

> The President deliberately misled and deceived the American people and officials in all branches of the U.S. Government.

This is not a Republican document. This is coming from here.

The President gave false or misleading testimony and impeded discovery of evidence in judicial proceedings.

Isn't that another way of saying obstruction of justice and perjury?

The President's conduct demeans the Office of the President as well as the President himself and creates disrespect for the laws of the land. Future generations of Americans must know that such behavior is not only unacceptable but bears grave consequences including loss of integrity, trust and respect.

But not loss of job.

Whereas, William Jefferson Clinton's conduct has brought shame and dishonor to himself and to the Office of the President; whereas, he has violated the trust of the American people—

See Hamilton Federalist No. 65—

he should be condemned in the strongest terms.

Well, the next to the strongest terms. The strongest terms would remove him from office.

Well, do you really cleanse the office as provided in the Constitution or do you use the Airwick of a censure resolution? Because any censure resolution, to be meaningful, has to punish the President, if only his reputation. And how do you deal with the laws of bill of attainder? How do you deal with the separation of powers? What kind of a precedent are you setting?

We all claim to revere the Constitution, but a censure is something that is a device, a way of avoiding the harsh constitutional option, and it is the only one we have up or down on impeachment. That, of course, is your judgment, and I am offering my views, for what they are worth.

Once in a while I do worry about the future. I wonder if, after this culture war is over, this one we are engaged in, an America will survive that is worth fighting for to defend.

People won't risk their lives for the U.N., or over the Dow Jones averages. But I wonder, in future generations, whether there will be enough vitality left in duty, honor and country to excite our children and grandchildren to defend America.

There is no denying the fact that what you decide will have a profound effect on our culture, as well as on our politics. A failure to convict will make a statement that lying under oath, while unpleasant and to be avoided, is not all that serious. Perhaps we can explain this to those currently in prison for perjury. We have reduced lying under oath to a breach of etiquette, but only if you are the President.

Wherever and whenever you avert your eyes from a wrong, from an injustice, you become a part of the problem.

On the subject of civil rights, it is my belief this issue doesn't belong to anyone; it belongs to everyone. It certainly belongs to those who have suffered invidious discrimination, and one would have to be catatonic not to know that the struggle to keep alive equal protection of the law never ends. The mortal enemy of equal justice is the double standard, and if we permit a double standard, even for the President, we do no favor to the cause of human rights. It has been said that America has nothing to fear from this President on the subject of civil rights. I doubt Paula Jones would subscribe to that endorsement.

If you agree that perjury and obstruction of justice have been committed, and yet you vote down the conviction, you are extending and expanding the boundaries of permissible Presidential conduct. You are saying a perjurer and obstructer of justice can be President, in the face of no less than three precedents for conviction of Federal judges for perjury. You shred those precedents and you raise the most serious questions of whether the President is in fact subject to the law or whether we are beginning a restoration of the divine right of kings. The issues we are concerned with have consequences far into the future because the real damage is not to the individuals involved, but to the American system of justice and especially the principle that no one is above the law.

Edward Gibbon wrote his magisterial ''Decline and Fall of the Roman Empire'' in the late 18th century—in fact the first volume was issued in 1776. In his work, he discusses an emperor named Septimius Severus, who died in 211 A.D. after ruling 18 years. And here is what Gibbon wrote about the emperor:

Severus promised, only to betray; he flattered only to ruin; and however he might occasionally bind himself by oaths and treaties, his conscience, obsequious to his interest, always released him from the inconvenient obligation.

I guess those who believe history repeats itself are really onto something. Horace Mann said:

You should be ashamed to die unless you have achieved some victory for humanity.

To the House managers, I say your devotion to duty and the Constitution has set an example that is a victory for humanity. Charles de Gaulle once said that France would not be true to herself unless she was engaged in some great enterprise. That is true of us all. Do we spend our short lives as consumers, space occupiers, clock watchers, as spectators, or in the service of some great enterprise?

I believe, being a Senator, being a Congressman, and struggling with all our might for equal justice for all, is a great enterprise. It is our great enterprise. And to my House managers, your great enterprise was not to speak truth to power, but to shout it. And now let us all take our place in history on the side of honor and, oh, yes: Let right be done.

I yield back my time.

The CHIEF JUSTICE. The Chair recognizes the majority leader.

ORDER OF PROCEDURE

Mr. LOTT. Mr. Chief Justice, I believe that concludes the closing arguments. Therefore, the Senate will reconvene as the Court of Impeachment at 1 p.m. on Tuesday to resume consideration of the articles of impeachment.

NOTICE OF INTENT TO SUSPEND THE RULES OF THE SENATE BY SENATORS DASCHLE, LOTT, HUTCHISON, HARKIN, WELLSTONE, COLLINS, SPECTER, AND LEAHY

In accordance to Rule V of the Standing Rules of the Senate, I (for myself, Mr. LOTT, Ms. HUTCHISON, Mr. HARKIN, Mr. WELLSTONE, Ms. COLLINS, Mr. SPECTER, and Mr. LEAHY) hereby give notice in writing that it is my intention to move to suspend the following portions of the Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials in regard to any deliberations by Senators on the articles of impeachment during the trial of President William Jefferson Clinton:

(1) The phrase ''without debate'' in Rule VII;

(2) the following portion of Rule XX: '', unless the Senate shall direct the doors to be closed while deliberating upon its decisions. A motion to close the doors may be acted upon without objection, or, if objection is heard, the motion shall be voted on without debate by the yeas and nays, which shall be entered on the record''; and

(3) In Rule XXIV, the phrases ''without debate'', ''except when the doors shall be closed for deliberation, and in that case'' and '', to be had without debate''.

ADJOURNMENT UNTIL 1 P.M. TOMORROW

Mr. LOTT. I ask the Court of Impeachment stand in adjournment until 1 p.m. tomorrow, and I ask further consent the Senate now resume legislative session. I remind all Senators to stand as the Chief Justice departs the Chamber.

There being no objection, at 6:34 p.m. the Senate, sitting as a Court of Impeachment, adjourned until Tuesday, February 9, 1999, at 1 p.m.

LEGISLATIVE SESSION

The PRESIDING OFFICER (Mr. ENZI). The Senate will come to order.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE 1999 NATIONAL DRUG CONTROL STRATEGY—MESSAGE FROM THE PRESIDENT—PM 6

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on the Judiciary.

To the Congress of the United States:

On behalf of the American people, I am pleased to transmit the *1999 National Drug Control Strategy* to the Congress. This *Strategy* renews and advances our efforts to counter the threat of drugs—a threat that continues to cost our Nation over 14,000 lives and billions of dollars each year.

There is some encouraging progress in the struggle against drugs. The *1998 Monitoring the Future* study found that youth drug use has leveled off and in many instances is on the decline—the second straight year of progress after years of steady increases. The study also found a significant strengthening of youth attitudes toward drugs: young people increasingly perceive drug use as a risky and unacceptable behavior. The rate of drug-related murders continues to decline, down from 1,302 in 1992 to 786 in 1997. Overseas, we have witnessed a decline in cocaine production by 325 metric tons in Bolivia and Peru over the last 4 years. Coca cultivation in Peru plunged 56 percent since 1995.

Nevertheless, drugs still exact a tremendous toll on this Nation. In a 10-year period, over 100,000 Americans will die from drug use. The social costs of drug use continue to climb, reaching $110 billion in 1995, a 64 percent increase since 1990. Much of the economic burden of drug abuse falls on those who do not abuse drugs—American families and their communities. Although we have made progress, much remains to be done.

The *1999 National Drug Control Strategy* provides a comprehensive balanced approach to move us closer to a drug-free America. This *Strategy* presents a long-term plan to change American attitudes and behavior with regard to illegal drugs. Among the efforts this *Strategy* focuses on are:

—Educating children: studies demonstrate that when our children understand the dangers of drugs, their rates of drug use drop. Through the National Youth Anti-Drug Media Campaign, the Safe and Drug Free Schools Program and other efforts, we will continue to focus on helping our youth reject drugs.

—Decreasing the addicted population: the addicted make up roughly a quarter of all drug users, but consume two-thirds of all drugs in America. Our strategy for reducing the number of addicts focuses on closing the ''treatment gap.''

—Breaking the cycle of drugs and crime: numerous studies confirm that the vast majority of prisoners commit their crimes to buy drugs or while under the influence of drugs. To help break this link between crime and drugs, we must promote the Zero Tolerance Drug Supervision initiative to better keep offenders drug- and crime-free. We can do this by helping States and localities to implement tough new systems to drug test, treat, and punish prisoners, parolees, and probationers.

—Securing our borders: the vast majority of drugs consumed in the United States enter this Nation through the Southwest border, Florida, the Gulf States, and other border areas and air and sea ports of entry. The flow of drugs into this Nation violates our sovereignty and brings crime and suffering to our streets and communities. We remain committed to, and will expand, efforts to safeguard our borders from drugs.

—Reducing the supply of drugs: we must reduce the availability of drugs and the ease with which they can be obtained. Our efforts to reduce the supply of drugs must target both domestic and overseas production of these deadly substances.

Our ability to attain these objectives is dependent upon the collective will of the American people and the strength of our leadership. The progress we have made to date is a credit to Americans of all walks of life—State and local leaders, parents, teachers, coaches, doctors, police officers, and clergy. Many have taken a stand against drugs. These gains also result from the leadership and hard work of many, including Attorney General Reno, Secretary of Health and Human Services Shalala, Secretary of Education Riley, Treasury Secretary Rubin, and Drug Policy Director McCaffrey. I also thank the Congress for their past and future support. If we are to make further progress, we must maintain a bipartisan commitment to the goals of the *Strategy*.

As we enter the new millennium, we are reminded of our common obligation to build and leave for coming generations a stronger Nation. Our *National Drug Control Strategy* will help create a safer, healthier future for all Americans.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 8, 1999.*

MEASURE PLACED ON THE CALENDAR

The following bill was read the second time and placed on the calendar:

H.R. 99. An act to amend title 49, United States Code, to extend Federal Aviation Administration programs through September 30, 1999, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1591. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Implementation of Section 245(g) of the Communications Act of 1934, as Amended'' (Docket 96–61) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1592. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, the Bank's report on a financial guarantee to support the sale of one Boeing 777–200IGW aircraft to Singapore Aircraft Leasing Enterprise Pte. Ltd.; to the Committee on Banking, Housing, and Urban Affairs.

EC–1593. A communication from the Chief of the Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Notice of Certain Transfers to Foreign Partnerships and Foreign Corporations'' (RIN1545–AV70) received on February 5, 1999; to the Committee on Finance.

EC–1594. A communication from the Administrator of the Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Tobacco-Importer Assessments'' (RIN0560–AF52) received on February 5, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1595. A communication from the Director of the Office of Regulatory Management and Information, transmitting, pursuant to law, the report of a rule entitled ''Tebufenozide; Extension of Tolerance for Emergency Exemptions'' (FRL6059–8) received on February 5, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1596. A communication from the Director of the Office of Regulatory Management and Information, transmitting, pursuant to law, the report of a rule entitled ''Propyzamide; Extension of Tolerance for Emergency Exemptions'' (FRL6060–3) received on February 5, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1597. A communication from the Director of the Office of Regulatory Management and Information, transmitting, pursuant to law, the report of a rule entitled ''Cymoxanil; Pesticide Tolerance'' (FRL6056–4) received on February 5, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1598. A communication from the Director of the Office of Regulatory Management and Information, transmitting, pursuant to law, the report of a rule entitled ''3,7-Dichloro-8-quinoline carboxylic acid; Pesticide Tolerances for Emergency Exemptions'' (FRL6055–6) received on February 5, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1599. A communication from the Director of the Office of Surface Mining Reclamation and Enforcement, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''West Virginia Regulatory Program'' (Docket WV–077–FOR) received on February 5, 1999; to the Committee on Energy and Natural Resources.

EC–1600. A communication from the Director of the Office of Surface Mining Reclamation and Enforcement, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Illinois Regulatory Program'' (SPATS No. IL–094–FOR) received on February 5, 1999; to the Committee on Energy and Natural Resources.

EC–1601. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; San Joaquin Valley Unified Air Pollution Control District, Sacramento Metropolitan Air Quality Management District'' (FRL6227–2) received on February 5, 1999; to the Committee on Environment and Public Works.

EC–1602. A communication from the Director of the Office of Regulatory Management

and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Emergency Planning and Community Right-to-Know Programs; Amendments to Hazardous Chemical Reporting Thresholds for Gasoline and Diesel Fuel at Retail Gas Stations'' (RIN2050–AE58) received on February 5, 1999; to the Committee on Environment and Public Works.

EC–1603. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Record Keeping and Reporting Burden Reduction'' (FRL6300–4) received on February 5, 1999; to the Committee on Environment and Public Works.

EC–1604. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone Regulations, Commencement Bay, Tacoma, Washington'' (Docket 13–98–034) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1605. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulations; Seattle SeaFair Unlimited Hydroplane Race, Lake Washington, Seattle, WA'' (Docket 13–98–022) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1606. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulations; Indiana Governor's Cup Hydroplane Races; Ohio River Mile 557.0–558.0, Madison, IN'' (Docket 08–98–050) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1607. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulations; Clifton River Days, Tennessee River Miles 157.0–159.0, Clifton, Tennessee'' (Docket 08–98–042) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1608. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulations; All American Birthday Party Fireworks Display Ohio River, Mile 469.2–470.5, Cincinnati, OH'' (Docket 08–98–039) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1609. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulations; Rocketman Triathlon; Tennessee River mile 324.0 to 324.5, Huntsville, AL'' (Docket 08–96–057) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1610. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulations; MY102 Boomsday; Tennessee River Mile 645.0 to 649.0, Knoxville, TN'' (Docket 08–96–056) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1611. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulations; Don Q Offshore Cup XIII Race; Bahia de Ponce, Puerto Rico'' (Docket 07–98–055) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1612. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulations; Swimming Across San Juan Harbor, San Juan, Puerto Rico'' (Docket 07–98–053) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1613. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulations; St. Johns River, Jacksonville, Florida'' (Docket 07–98–050) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1614. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulations; City of Charleston, SC'' (Docket 07–98–045) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1615. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulations; City of Charleston, SC'' (Docket 07–98–039) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1616. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulations for Marine Events; Patapsco River, Baltimore, Maryland'' (Docket 05–98–064) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1617. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zones, Security Zones, and Special Local Regulations'' (RIN2115–AA97) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1618. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Maritime Course Approval Procedures'' (RIN2115–AF58) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MCCONNELL (for himself, Mr. GRAHAM, Mr. BUNNING, Mr. MACK, Mr. BREAUX, Mr. DEWINE, Mr. SMITH of Oregon, Mr. ROBB, Mr. LUGAR, Mr. COCHRAN, Ms. LANDRIEU, Mr. MURKOWSKI, Mr. STEVENS, Mr. COVERDELL, Mr. WARNER, Mr. SMITH of New Hampshire, Mr. BAYH, Mr. BYRD, Mr. SPECTER, and Mr. KERREY):

S. 387. A bill to amend the Internal Revenue Code of 1986 to provide an exclusion from gross income for distributions from qualified State tuition programs which are used to pay education expenses; to the Committee on Finance.

By Mr. CLELAND (for himself, Mr. KERRY, Mr. HOLLINGS, Mr. CONRAD, Mrs. BOXER, Mr. DASCHLE, and Mr. HARKIN):

S. 388. A bill to authorize the establishment of a disaster mitigation pilot program in the Small Business Administration; to the Committee on Small Business.

By Mr. MCCAIN (for himself, Mr. ROBB, Mr. LIEBERMAN, Mr. DEWINE, Mr. LEVIN, Mr. KENNEDY, Mr. BINGAMAN, Mr. CLELAND, Mrs. FEINSTEIN, Mr. HUTCHINSON, Mr. CONRAD, Mr. ALLARD, and Mr. SMITH of New Hampshire):

S. 389. A bill to amend title 10, United States Code, to improve and transfer the jurisdiction over the troops-to-teachers program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REID:

S. 390. A bill to amend title II of the Social Security Act to allow workers who attain age 65 after 1981 and before 1992 to choose either lump sum payments over four years totalling $5,000 or an improved benefit computation formula under a new 10-year rule governing the transition to the changes in benefit computation rules enacted in the Social Security Amendments of 1977, and for other purposes; to the Committee on Finance.

By Mr. KERREY (for himself, Mr. BOND, Mr. KENNEDY, Mr. GORTON, Mr. GRAHAM, Mr. DEWINE, Mr. MOYNIHAN, Mr. DURBIN, Mr. INOUYE, Mr. MACK, and Mrs. MURRAY):

S. 391. A bill to provide for payments to children's hospitals that operate graduate medical education programs; to the Committee on Finance.

By Mrs. MURRAY (for herself and Mr. GORTON):

S. 392. A bill to designate the Federal building and United States courthouse located at West 920 Riverside Avenue in Spokane, Washington, as the ''Thomas S. Foley Federal Building and United States Courthouse,'' and the plaza at the south entrance of that building and courthouse as the ''Walter F. Horan Plaza''; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LOTT (for himself, Mr. ABRAHAM, Mr. AKAKA, Mr. ALLARD, Mr. ASHCROFT, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BREAUX, Mr. BROWNBACK, Mr. BRYAN, Mr. BUNNING, Mr. BURNS, Mr. BYRD, Mr. CAMPBELL, Mr. CHAFEE, Mr. CLELAND, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. COVERDELL, Mr. CRAIG, Mr. CRAPO, Mr. DEWINE, Mr. DODD, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. EDWARDS, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FITZGERALD, Mr. FRIST, Mr. GORTON, Mr. GRAHAM, Mr. GRAMM, Mr. GRAMS, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mr. HOLLINGS, Mr. HUTCHINSON, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERREY, Mr. KERRY, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MACK, Mr. MCCAIN, Mr. MCCONNELL, Ms. MIKULSKI, Mr. MOYNIHAN, Mr. MURKOWSKI, Mrs. MURRAY, Mr. NICKLES, Mr. REED, Mr. REID, Mr. ROBB, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. ROTH, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH of New Hampshire, Mr. SMITH of Oregon, Ms. SNOWE, Mr. SPECTER, Mr. STEVENS, Mr. THOMAS, Mr. THOMPSON, Mr. THURMOND, Mr.

TORRICELLI, Mr. VOINOVICH, Mr. WARNER, Mr. WELLSTONE, Mr. WYDEN, Mr. DASCHLE, Mr. HELMS, and Mr. BIDEN):

S. Con. Res. 7. A concurrent resolution honoring the life and legacy of King Hussein ibn Talal al-Hashem; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MCCONNELL (for himself, Mr. GRAHAM, Mr. BUNNING, Mr. MACK, Mr. BREAUX, Mr. DEWINE, Mr. SMITH of Oregon, Mr. ROBB, Mr. LUGAR, Mr. COCHRAN, Ms. LANDRIEU, Mr. MURKOWSKI, Mr. STEVENS, Mr. COVERDELL, Mr. WARNER, Mr. SMITH of New Hampshire, Mr. BAYH, Mr. BYRD, Mr. SPECTER, and Mr. KERREY):

S. 387. A bill to amend the Internal Revenue Code of 1986 to provide an exclusion from gross income for distributions from qualified State tuition programs which are used to pay education expenses; to the Committee on Finance.

EDUCATIONAL SAVINGS LEGISLATION

• Mr. MCCONNELL. Mr. President, I come to the floor today to introduce legislation that addresses an important issue facing American families today—the education of their children. It is my long-held belief that we need to make a college education more affordable, and the legislation I am introducing today, the College Savings Act, will do just that by providing tax incentives to families who save for college.

This legislation is a serious effort to reward long-term saving by making savings for education tax-free. It is important that we not forget that compounded interest cuts both ways. By saving, participants can keep pace, or even ahead of, tuition increases while putting a little away at a time. By borrowing, students bear added interest costs that add thousands to the total cost of tuition. Savings will have a positive impact, by reducing the need for students to borrow tens of thousands of dollars in student loans. This will help make need-based grants, which target low-income families, go much further.

Mr. President, anyone with a child in college knows first-hand the expense of higher education. Throughout the 1990's, education costs have continually outstripped the gains in income. Tuition rates have now become the greatest obstacle students face in attending college. In fact, the astronomical increase in college costs has been well documented. According to a study conducted by the College Board, tuition and fees for a four-year public university rose 107 percent from 1980–1997, while median household income rose only 12 percent.

Due to the high cost of education, more and more families have come to rely on financial aid to meet tuition costs. In fact, a majority of all college students utilize some amount of financial assistance. In 1997–98, $60 billion in financial aid was available to students and their families from federal, state, and institutional sources. This was $3 billion higher than the previous year. A majority of this increase in aid was in the form of loans, which now make up the largest portion of the total federal-aid package at 57 percent. Grants, which a decade ago made up 49 percent of assistance, have been reduced to 42 percent. This shift toward loans further burdens students and families with additional interest costs.

We must reverse the dependence on federal assistance and encourage families to save. My legislation would reward savings and allow students and families that are participating in these state-sponsored plans to be exempt from federal income tax when the funds are used for qualified educational purposes. This legislation also recognizes the leadership that states have provided in helping families save for college. In the mid-1980s, states identified the difficulty families had in keeping pace with the rising cost of education. States like Kentucky, Florida, Ohio, and Michigan were the first to start programs in order to help families save for college. Nationwide more than 30 states have established savings programs, and over a dozen states are preparing to implement plans in the near future. Today, there are nearly one million savers who have contributed over $3 billion in education savings. The provision which I authored, which allows tax-free education savings in state-sponsored savings plans for education purposes, provides nearly a $1.5 billion tax break for middle-class savers nationwide. In Kentucky, over 3,720 families have established accounts, which amount to about $7.5 million in savings.

Mr. President, I have worked closely with the state plan administrators over the years seeking both their advice and support. Again this year, I am pleased to have the National Association of State Treasurers and the College Savings Plans Network endorse this legislation. They have worked tirelessly in support of this legislation because they know it is in the best interest of plan participants—the families who care about their children's education.

Mr. President, many Kentuckians are drawn to this program because it offers a low-cost, disciplined approach to savings. In fact, the average monthly contribution in Kentucky is just $52. It is also important to note that 60 percent of the participants earn under $60,000 per year. By exempting all interest earnings from state taxes, my legislation rewards parents who are serious about their children's future and who are committed over the long-term to the education of their children by providing a significant tax break for middle-class savers nationwide. Clearly, this benefits middle-class families.

In 1994, I introduced the first bill to make education savings exempt from taxation. Since then I have won a couple of battles, but still haven't won the war. To win the war, Congress needs to make education savings tax free—from start to finish. The bill I am introducing today will achieve that goal.

In 1996, Congress took the first step in providing tax relief to families investing in these programs. In the Small Business Job Protection Act of 1996, I was able to include a provision that clarified the tax treatment of state-sponsored savings plans and the participants' investment. This measure put an end to the tax uncertainty that has hampered the effectiveness of these state-sponsored programs and helped families who are trying to save for their children's education. Also in 1996, Virginia started its plan and was overwhelmed by the positive response. In its first year, the plan sold 16,111 contracts raising $260 million. This success exceeded all goals for this program.

In 1997, the Taxpayer Relief Act made revisions to provide maximized flexibility to families saving for their children's college education. The most significant reform was to expand the definition of ''qualified education costs'' to include room and board, thus doubling the amount families could save tax-free. In Kentucky, room and board at a public institution make up half of all college costs. This important legislation also expanded the definition of eligible institutions to include all schools, including certain proprietary schools, and defined the term ''member of family'' to allow rollover eligibility for cousins and step-siblings in the event that the original beneficiary does not attend college.

Last year, the Senate passed legislation, sponsored by Senator COVERDELL and Senator TORRICELLI, which would have allowed parents to place as much as $2,000 per year, per child, in an education savings account for kindergarten through high school education. Included in this legislation was my proposal to make savings in state-sponsored tuition plans tax-free. Unfortunately, the bill was vetoed by President Clinton.

As a result of our actions over the last several years, more and more state plans have implemented tuition savings and prepaid plans for their residents. It is projected that there will be 43 states with tuition savings plans by the year 2000. I believe that we have a real opportunity to go even further toward making college affordable to American families. It is in our best interest as a nation to maintain a quality and affordable education system for everyone. By passing this legislation, we can help families help themselves by rewarding savings. This will reduce the cost of education and will not unnecessarily burden future generations with thousands of dollars in loans.

Mr. President, I ask unanimous consent that a copy of the bill and letters endorsing my legislation from the Kentucky Higher Education Assistance Authority and the National Association of State Treasurers be printed in the

RECORD, along with an article from Time magazine that discusses the popularity of state tuition saving programs.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 387

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXCLUSION FROM GROSS INCOME OF EDUCATION DISTRIBUTIONS FROM QUALIFIED STATE TUITION PROGRAMS.

(a) IN GENERAL.—Section 529(c)(3)(B) of the Internal Revenue Code of 1986 (relating to distributions) is amended to read as follows:

''(B) DISTRIBUTIONS FOR QUALIFIED HIGHER EDUCATION EXPENSES.—

''(i) IN GENERAL.—No amount shall be includible in gross income under subparagraph (A) if the qualified higher education expenses of the designated beneficiary during the taxable year are not less than the aggregate distributions during the taxable year.

''(ii) DISTRIBUTIONS IN EXCESS OF EXPENSES.—If such aggregate distributions exceed such expenses during the taxable year, the amount otherwise includible in gross income under subparagraph (A) shall be reduced by the amount which bears the same ratio to the amount so includible (without regard to this subparagraph) as such expenses bear to such aggregate distributions.

''(iii) ELECTION TO WAIVE EXCLUSION.—A taxpayer may elect to waive the application of this subparagraph for any taxable year.

''(iv) IN-KIND DISTRIBUTIONS.—Any benefit furnished to a designated beneficiary under a qualified State tuition program shall be treated as a distribution to the beneficiary for purposes of this paragraph.

''(v) DISALLOWANCE OF EXCLUDED AMOUNTS AS CREDIT OR DEDUCTION.—No deduction or credit shall be allowed to the taxpayer under any other section of this chapter for any qualified higher education expenses to the extent taken into account in determining the amount of the exclusion under this paragraph.''.

(b) COORDINATION WITH EDUCATION CREDITS.—Section 25A(e)(2) of the Internal Revenue Code of 1986 (relating to coordination with exclusions) is amended—

(1) by inserting ''a qualified State tuition program or'' before ''an education individual retirement account''; and

(2) by striking ''section 530(d)(2)'' and inserting ''section 529(c)(3)(B) or 530(d)(2)''.

(c) COORDINATION WITH EDUCATION SAVINGS BONDS.—Subparagraph (B) of section 135(d)(2) of the Internal Revenue Code of 1986 (relating to coordination with other higher education benefits) is amended by striking ''section 530(d)(2)'' and inserting ''section 529(c)(3)(B) or 530(d)(2)''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1998.

KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY,
Frankfort, KY, January 14, 1999.

Hon. MITCH MCCONNELL,
U.S. Senate, Russell Office Building, Washington, DC.

DEAR SENATOR MCCONNELL: Your tremendous support of the Kentucky Educational Savings Plan Trust (Trust) has led to more favorable federal tax treatment of this program and other qualified state tuition programs (QSTPs) around the country. The success achieved through your work provides Kentucky families a greater opportunity to save for the higher education costs of their children.

I am writing to ask for your continued leadership on this issue by pushing forward to obtain tax-free treatment for amounts distributed from QSTPs to cover qualified higher education expenses. Significant progress has been made in this area during the past three years, and we believe your continued efforts will achieve the final goal of tax-free treatment.

Currently, over 2,800 Kentucky families have saved over $7.5 million dollars through the Trust for their children's higher education. We greatly appreciate your efforts to help Kentucky families save for higher education and look forward to continuing to work with you and your staff on this important initiative.

Sincerely,

PAUL P. BORDEN,
Executive Director.

COLLEGE SAVINGS PLANS NETWORK,
February 4, 1999.

Re college savings legislation.

Hon. MITCH MCCONNELL,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR MCCONNELL: On behalf of the College Savings Plans Network (''CSPN''), which represents the 44 states currently offering and managing colleges savings programs, I am writing to express our strong support for your legislation to provide tax-free treatment for contributions to the qualified state tuition programs. CSPN applauds your leadership on legislation to encourage savings for college. Currently, there are over 849,288 signed college tuition contracts. The estimated fair market value of these contracts if $4.2 billion. The families participating in the programs appreciate your efforts on their behalf.

The College Savings Plans Network embraces and fully supports the intent of the College Savings Act of 1999. The public policy intent of this proposal is to enable and motivate families to save for college by providing clear and easily understood tax treatment of the qualified state tuition plans.

CSPN greatly appreciates and fully supports the legislation and your leadership on this proposal.

Sincerely,

MARSHALL BENNETT,
Chairman, College Savings Plans Network, and Mississippi State Treasurer.

[From Time, Dec. 7, 1998]

NEW WAY TO SAVE FOR COLLEGE

(Online advice from Time finance columnist Dan Kadlec)

The best college-savings program you never heard about keeps getting better. As you think about year-end tax moves, consider dropping some cash into a state-sponsored plan where money for college grows tax-deferred and may garner a fat state income tax exemption as well. This plan is relatively new and often gets confused with more common prepaid-tuition plans, in which you pay today and attend later—removing worries about higher tuition in the future. Savings plans are vastly different and in most cases superior because they are more flexible.

Prepaid plans offer tax advantages, and some are portable, but many still apply only to public colleges within the taxpayer's state. What if Junior gets accepted to Harvard? You can get your contributions back. But some states refund only principal, beating you out of years' worth of investment gains. And state prepaid plans make it tougher to get student aid because the money is held in the student's name. With savings plans the money is in a parent's name, where it counts less heavily in student-aid formulas—and you can set aside as much as $100,000 for expenses at any U.S. college.

Both the prepaid and the college-savings plans vary from state to state. Check out the website ''collegesaving.org'' for details. It's a fast-moving area. In the next few months, eight states will join the 15 that already have state college-savings programs. Those are mostly in addition to the 19 that have prepaid-tuition plans. Only Massachusetts will probably offer both.

Most of the newer savings plans make contributions deductible against state taxes. New York, for example, launched its plan two months ago. It permits couples to set aside up to $10,000 a year per student and lets New York residents deduct the full amount from their income on their state return. Missouri will approve a tax-deductible savings plan in December. Minnesota is expected to adopt a plan in which the state matches 5% of your contributions. These college-savings plans are open to everyone, regardless of income—in contract to the Roth IRA and other federal savings plans, in which eligibility begins to phase out for couples earning more than $100,000.

If your state doesn't offer a college-savings plan, you can still participate through an out-of-state plan. You won't get the state tax deduction, but you will get tax-deferred investment growth; and when the money is tapped, it will be taxed at the student's rate (usually 15%). Fidelity Investments (800–544–1722), which runs the New Hampshire savings plan, and TIAA–CREF (877–697–2337; www.nysaves.org), which runs the New York plan, make it easy. If your state later offers a savings plan with a tax deduction, you can transfer your account penalty free.

Both plans invest mostly in stocks in the early years and slowly shift into bonds and money markets as your student nears college age. You get no say in this allocation. The impact of tax deferral is big. TIAA–CREF estimates that someone in the 28% tax bracket saving $5,000 a year and mimicking its investments in a taxable account could expect to accumulate $167,000 in 18 years.

Deferring taxes and then paying them at 15% brings the total to $190,000. The state deduction, for those who qualify, pushes the nest egg to $202,000.

Plan benefits:

Taxes are deferred and then paid at the child's lower rate;

Families are eligible regardless of income or state of residence; and

Tax deductions are increasingly available on state returns.●

● Mr. GRAHAM. Mr. President, I am proud to join Senator MCCONNELL and other colleagues in launching an initiative to increase Americans' access to college education. Today we are introducing the College Savings Act of 1999. This bill would allow states to offer prepaid college tuition and savings programs on a tax exempt basis.

These programs have flourished in the face of spiraling college costs. According to the College Board, between 1980 and 1997, tuition at public colleges increased 107 percent, while the median income increased just 12 percent. The cause of this dramatic increase in tuition is the subject of significant debate. But whether these increases are attributable to increased costs to the universities, reductions in state funding for public universities, or the increased value of a college degree, the fact remains that financing a college education has become increasingly difficult.

Although the federal government has increased its aid to college students over the years, it is the states who have engineered innovative ways to help its families afford college. Michigan implemented the first prepaid tuition plan in 1986. Florida followed in 1988. Today 43 states have either implemented or are in the process of implementing prepaid tuition plans or state savings plans.

Mr. President, prepaid college tuition plans allow parents to pay prospectively for their children's higher education at participating universities. States pool these funds and invest them in a manner that will match or exceed the pace of educational inflation. This ''locks in'' current tuition prices and guarantees financial access to a future college education.

Prior to 1996, the IRS had indicated that it would treat the state entity that held and invested the funds as a taxable corporation. In addition, the IRS stated its intent to tax families annually on earnings on amounts transferred to a state program. In the Small Business Jobs protection Act, The 104th Congress did two things: (1) it said that provided the program met certain standards, the state program would be tax exempt. (2) Congress also said that families could not be taxed on earnings on an account until a distribution is made from the state plan to the family or the applicable college. At that point, student beneficiary could be taxed on the earnings.

The following year, in the Taxpayer Relief Act, The 105th Congress clarified that this deferral of taxation applied not only to prepaid tuition but also to prospective payments for room and board.

Senator MCCONNELL and I believe that The 106th Congress must go one step further. Distributions from these accounts should be 100 percent tax free. Students should be able to enroll in college without fear of them having to pay taxes on the money accrued.

We believe that these programs should be tax free for numerous reasons. First, for most families, they have in essence purchased a service to be provided in the future. The accounts are not liquid. The funds are transferred from the state directly to the college or university. Under current policy, the student is required to find other means of generating the funds to pay the tax. Second, Congress should make these programs tax free in order to encourage savings and college attendance. No longer is a student's question ''Will I be able to go to college?'' but instead ''Where will I go to college?'' Third, making these accounts tax free is good education fiscal policy. For states that do set up programs where they guarantee a tuition price by selling contracts, the existence of these programs puts downward pressure on education inflation.

Perhaps most importantly, prepaid tuition and savings programs help middle income families afford a college education. Florida's experience shows that it is not higher income families who take most advantage of these plans. It is middle income families who want the discipline of monthly payments. They know that they would have a difficult time coming up with the funds necessary to pay for college if they waited until their child enrolled. In Florida, more than 70 percent of participants in the state tuition program have family incomes of less than $50,000.

I am pleased to have this opportunity to join my colleagues in support of good tax policies which enhance our higher education goals. Prepaid tuition plans deserve our support through enactment of legislation that would make them tax-free for American families and students.●

By Mr. CLELAND (for himself, Mr. KERRY, Mr. HOLLINGS, Mr. CONRAD, Mrs. BOXER, Mr. DASCHLE, and Mr. HARKIN):

S. 388. A bill to authorize the establishment of a disaster mitigation pilot program in the Small Business Administration; to the Committee on Small Business.

DISASTER MITIGATION PILOT PROGRAM LEGISLATION

● Mr. CLELAND. Mr. President, on behalf of my fellow original cosponsors, I am proud to introduce legislation which will provide a valuable protection for America's small businesses.

This initiative would permit the Small Business Administration to use up to $15 million of existing disaster funds to establish a pilot program to provide small businesses with low-interest, long-term disaster loans to finance preventive measures before a disaster hits.

Across the nation, increasing costs and personal devastation associated with disasters continually plague communities. While it may be impossible to prevent disasters, we believe that this legislation makes it possible to limit the number of disaster victims.

In response to the financial and human toll caused by disasters, the administration launched an approach to emergency management that moves away from the current reliance on response and recovery to one that emphasizes preparedness and prevention. The Federal Emergency Management Agency established its Project Impact Program to assist disaster-prone communities in developing strategies to avoid the crippling effects of natural disasters.

Our legislation supports this approach by allowing the SBA to begin a pilot program that would be limited to small businesses within those communities that are eligible to receive disaster loans after a disaster has been declared.

Currently, SBA disaster loans may only be used to repair or replace existing protective devices that are destroyed or damaged by a disaster. The pilot program authorized by our proposal would allow funds to also be used to install new mitigation devices that will prevent future damage. We believe that such a program would address two areas of need for small business—reducing the costs of recovery from a disaster and reducing the costs of future disasters. Furthermore, by cutting those future costs, the program presents an excellent investment for taxpayers by decreasing the Federal and State funding required to meet future disaster relief needs. The ability of a small business to borrow money through the Disaster Loan Program to help make their facility disaster resistant could mean the difference as to whether that small business owner is able to reopen or forced to go out of business altogether after a disaster hits.

On behalf of my fellow cosponsors, I urge my colleagues to support this effort to facilitate disaster prevention measures. Upon passage of this legislation, the costs in terms of property, taxpayer dollars, and lives will be reduced when nature strikes in the future.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 388

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DISASTER MITIGATION PILOT PROGRAM.

(a) IN GENERAL.—Section 7(b)(1) of the Small Business Act (15 U.S.C. 636(b)(1)) is amended—

(1) in subparagraph (B), by adding ''and'' at the end; and

(2) by adding at the end the following:

''(C) during fiscal years 2000 through 2004, to establish a predisaster mitigation program to make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred (guaranteed) basis), as the Administrator may determine to be necessary or appropriate, to enable small businesses to use mitigation techniques in support of a formal mitigation program established by the Federal Emergency Management Agency, except that no loan or guarantee may be extended to a small business under this subparagraph unless the Administration finds that the small business is otherwise unable to obtain credit for the purposes described in this subparagraph;''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 20 of the Small Business Act (15 U.S.C. 631 note) is amended by adding at the end the following:

''(f) DISASTER MITIGATION PILOT PROGRAM.—The following program levels are authorized for loans under section 7(b)(1)(C):

''(1) $15,000,000 for fiscal year 2000.

''(2) $15,000,000 for fiscal year 2001.

''(3) $15,000,000 for fiscal year 2002.

''(4) $15,000,000 for fiscal year 2003.

''(5) $15,000,000 for fiscal year 2004.''.

(c) EVALUATION.—On January 31, 2003, the Administrator of the Small Business Administration shall submit to the Committees on Small Business of the House of Representatives and the Senate a report on the effectiveness of the pilot program authorized by section 7(b)(1)(C) of the Small Business Act

(15 U.S.C. 636(b)(1)(C)), as added by subsection (a) of this section, which report shall include—

(1) information relating to—

(A) the areas served under the pilot program;

(B) the number and dollar value of loans made under the pilot program; and

(C) the estimated savings to the Federal Government resulting from the pilot program; and

(2) such other information as the Administrator determines to be appropriate for evaluating the pilot program.●

Mr. KERRY. Mr. President, today I join my colleague, Senator MAX CLELAND, in introducing the Disaster Mitigation Coordination Act of 1999, a bill that helps our nation's small businesses save money and prepare for natural disasters.

We can't prevent disasters, but we can take measures to lessen and prevent the destruction that often hurts, and sometimes destroys, small businesses. Aside from avoiding inconveniences and disruptions, we know that there are cost-benefits to making meaningful improvements and changes to facilities before a disaster. According to the Federal Emergency Management Agency, which has a disaster mitigation program for communities, rather than businesses, we know that we save two dollars of disaster relief money for each dollar spent on disaster mitigation.

I see a great need for this type of assistance in the small business community. This bill establishes a five-year pilot program that would make low-interest, long-term loans available to small business owners financing preventive measures to protect their businesses against, and lessen the extent of, future disaster damage. This pilot program is designed to help those small businesses that can't get credit elsewhere and that are located in disaster-prone areas.

The small business pre-disaster mitigation loan pilot program would be run as part of the Small Business Administration's regular disaster loan program, testing the pros and cons of preparedness versus reaction. Up to $15 million will be set aside for this pilot if enacted.

Only a portion of SBA's regular disaster loans, up to 20 percent, are available for mitigation after a recent natural disaster. In contrast, this legislation would allow 100 percent of an SBA disaster loan to be used for mitigation purposes within any area that the Federal Emergency Management Agency has designated as disaster-prone. In Massachusetts, that includes Marshfield and Quincy, two coastal communities that are prone to flooding, rainstorms and Nor'easters.

Nationwide, whether you're a business in Missouri or Massachusetts, this pilot would allow you to take out a loan to make the improvements to your building or office to protect against disasters. For floods it can mean elevating the foundation or relocating. For tornados it can mean installing storm windows and building a stronger roof. For hurricanes it can mean reinforcing walls. And for fires it can mean adding sprinklers and flame-retardant building materials.

The Administration supports this pilot program and included it in Clinton's budget request this fiscal year, and again for fiscal year 2000. The President requests that up to $15 million of the total $358 million proposed for disaster loans be used for disaster mitigation loans.

Senator CLELAND and I introduced this same legislation in the last Congress. And although it passed committee and the full Senate without opposition, the House did not have time to vote on its merits before the 105th Congress ended. I thank my colleagues, Senators HOLLINGS, CONRAD, BOXER, DASCHLE and HARKIN for sharing our concern to meet the needs of our small business owners while also working to find solutions that are smarter, more pro-active and more cost-effective. Mr. President, I am pleased to cosponsor this legislation and am hopeful it will again receive the full support it deserves when it comes before the Senate this Congress.

By Mr. MCCAIN (for himself, Mr. ROBB, Mr. LIEBERMAN, Mr. DEWINE, Mr. LEVIN, Mr. KENNEDY, Mr. BINGAMAN, Mr. CLELAND, Mrs. FEINSTEIN, Mr. HUTCHINSON, Mr. CONRAD, Mr. ALLARD, and Mr. SMITH of New Hampshire):

S. 389. A bill to amend title 10, United States Code, to improve and transfer the jurisdiction over the troops-to-teachers program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

TROOPS TO TEACHERS IMPROVEMENT ACT OF 1999

● Mr. MCCAIN. Mr. President, I rise today to introduce the Troops to Teachers Improvement Act of 1999. This legislation would help provide high-quality teachers to our nation's classrooms by assisting and counseling retired military personnel who are interested in beginning a new career as a teacher. I have worked hard with my colleagues, Senators ROBB and LIEBERMAN to develop a bill which strengthens, reforms and reauthorizes the current Troops to Teachers program in a manner which effectively addresses the educational needs of our nation's students.

One of the most important issues facing our nation is the education of our children. Providing a solid, quality education for each and every child in our nation is a critical component in their quest for personal success and fulfillment. A solid education for our children also plays a pivotal role in the success of our nation, economically, intellectually, civically and morally.

Unfortunately, our current education system is failing to provide many students with the academic skills they need. The Third International Math and Science Study (TIMSS) ranked U.S. high school seniors last among 16 countries in physics and next to last in math. These disappointing results underscore the challenge we face in improving our public schools and providing our children with a competitive, world-class education.

A big part of that challenge will be funding, recruiting and retaining quality teachers to make America's children ready for tomorrow, particularly in the area of math and science. The Department of Education estimates that the nation's local school districts will need to hire more than two million teachers over the next decade to meet growing enrollment demands.

It is essential that we work together to develop and support innovative programs which help address this growing need for school teachers. Fortunately, an effective and innovative program for addressing this shortfall already exists, the Troops to Teachers program.

As many of my colleagues know, the Troops to Teachers program was initially created in 1993 to assist military personnel affected by defense downsizing but were interested in utilizing their knowledge, professional skills and expertise by becoming a teacher. Unfortunately, the authorization for this program is set to expire at the end of this fiscal year.

Senators ROBB, LIEBERMAN and I were disconcerted to learn that this successful program would soon be terminated. We joined together to develop a bipartisan bill which not only reauthorizes this program but strengthens and reforms it so that it more effectively meets the academic needs of our students and schools.

Our bill reforms this program so that it operates more efficiently and effectively targets the educational needs of our students. First, our bill transfers responsibility and funding for this program from the Department of Defense to the Department of Education. I and many other members of the Armed Services Committee believe that this is appropriate since it targets an educational need, rather than a military issue in our country and the Defense Department needs to use their limited resources to address a litany of problems impairing the readiness of our armed forces.

Another important concern we address in our bill is eligibility. Under the current program, military personnel are eligible for participation after serving only six years in the military. This eligibility policy is outdated and no longer appropriate while our military is facing a personnel retention crisis. Therefore, we have limited eligibility to military personnel who retire after at least twenty years of service, physically disabled personnel or individuals who have served a minimum of six years and can provide documentation they were affected by military downsizing.

Based on academic scores, particularly the TIMSS report it is evident

that a stronger emphasis needs to be placed on the academic preparation of our children in the areas of math and science. This is why we have made math, science, and special education teachers a priority for the Troops to Teachers program.

We also recognize the difficulties which face many of our schools, particularly those with a large proportion of at-risk students who pose a greater challenge to educators. Many schools are confronted with the difficult task of educating children who face a litany of personal obstacles, including poverty, broken homes, language barriers, learning disabilities and physical disabilities. We have attempted to help schools conquer these challenges by providing incentives for individuals who commit to teaching for a minimum of four years at a school with a large proportion of at-risk students and a significant shortage of teachers.

Finally, we have limited the cost of this program to the federal government by eliminating excessive, duplicative or unnecessary expenses. We have also limited administrative costs to operate this program to five percent, to ensure that federal funds being spent on this program are actually benefitting our children and education system, rather than being absorbed by Washington bureaucrats.

''A teacher affects eternity; they can never tell where their influence stops.'' I share this sentiment of Henry Adams, and hope that each of my colleagues will work with us to continue providing high quality, experienced and effective teachers to our children through the Troops to Teachers program. It is important for our children, for our nation and for our future.●

● Mr. ROBB. Mr. President, I'm pleased to be joined today by several colleagues in introducing legislation that will help with one of the nation's most pressing challenges for the twenty first century—recruiting teachers for our public schools.

The deterioration of our schools is evident. The Third International Math and Science Study (TIMSS) ranked U.S. high school seniors last among 16 countries in physics and next to last in math. We are failing to provide the quality of education that will not only ensure each individual student the skills needed for personal success and fulfillment, but also that the nation can maintain its economic—and intellectual—leadership into the next century.

Clearly there are many measures that must be taken to address this national dilemma. Our school infrastructure is literally crumbling. I was joined recently by Senator LAUTENBERG in introducing the Public School Modernization Act of 1999, which will support building new schools and repair and modernization of old schools to accommodate a growing school population and reduce class size.

Many schools have been left out of the information revolution. I have worked hard to help Virginia schools get ''wired'' to the Internet—indeed I've helped physically wire several schools across the Commonwealth.

But ultimately, nothing matters more for the education of our youth than quality teachers. The Department of Education estimates that the nation's local school districts must hire more than two million teachers over the next decade to meet growing enrollment demands.

This legislation builds on an existing program—the Troops-to-Teachers program established originally in 1993—to help bring experienced, well-disciplined role models with proven leadership skills into the public school system. Since its authorization, the Troops-to-Teachers program has assisted thousands of military personnel who leave the military to become public school teachers. Troops-to-Teachers offers counseling and assistance to help participants identify employment opportunities and receive teacher certification. It has been a great success, filling school vacancies in 48 states.

These professionals are providing what educators say they need the most: mature role models, most of them male and many minorities, often trained in math and science, highly motivated, and comfortable in tough working environments. In fact, over three quarters are men, compared with about 25 percent in the overall public school system. About half elect to teach in inner city or rural schools. A disproportionate share have science, engineering or technical backgrounds. Retention is much higher than the national average.

The authority for Troops-to-Teachers expires at the end of this fiscal year. The legislation we are introducing here today reauthorizes the program and makes many refinements to encourage even more of our soldiers, sailors, airmen and marines to enter the noble profession of teaching America's youth. The legislation focuses more resources toward direct financial assistance to cover teacher certification costs for applicants, and creates a bonus for those opting to teach in certain high need schools. Fewer resources are made available for administrative and other overhead costs. The bonus, I believe, will be particularly effective in attracting larger numbers of applicants. A recent offering of a sign-up bonus of $20,000 in Massachusetts public schools led to an explosion in applications from around the country.

Mr. President, I urge other Senators to support this important legislation and I look forward to it being brought forward for final passage this year.●

● Mr. LIEBERMAN. Mr. President, I am pleased to join with Senators MCCAIN and ROBB today in introducing legislation to extend and expand the Defense Department's successful Troops to Teachers initiative, which helps to steer former military personnel into classroom teaching jobs.

To date Troops to Teachers has placed more than 3,000 retired or downsized service members in public schools in 48 different states, providing participants with assistance in obtaining the proper certification or licensing and matching them up with prospective employers. In return, these new teachers bring to the classroom what educators say our schools need most: mature and disciplined role models, most of them male and many of them minorities, well-trained in math and science and high tech fields, highly motivated, and highly capable of working in challenging environments.

Our bill, the Troops to Teachers Improvement Act, aims to build on this success by encouraging more military retirees to move into teaching. It would do so by offering those departing troops new incentives to enter the teaching profession, particularly for those who are willing to serve in areas with large concentrations of at-risk children and severe shortages of qualified teaching candidates.

The reality is, Mr. President, that the nation as a whole is facing a serious teacher shortage. The Department of Education is projecting that local school districts will have to hire more than two million new teachers over the next decade due to surging enrollments and the aging of America's teaching force. We were reminded again of this problem just this past Sunday by a front-page in the Washington Post, which described in some detail the challenge facing school systems across the country.

As the Post article pointed out, this is a critical challenge for the nation, because our hopes of raising academic standards and student achievement will hinge in large part on the capabilities and talents of the men and women who fill those two million places in the classroom. Studies show conclusively, and not surprisingly, that teacher quality is one of the greatest determinants of student achievement, and that low-performing students make dramatic gains when they study with the most knowledgeable teachers. The American public is very aware of this crucial link, as evidenced in a survey done last November, in which nine out of 10 people listed raising teacher quality as one of our top educational priorities.

The President began to address this critical challenge with his proposal to hire 100,000 new teachers, a plan I was proud to cosponsor. The Congress gave preliminary approval to this plan last fall through the Omnibus Appropriations bill we passed, which included funding for the first year of the program. I hope we will fully authorized this program this year to give local school districts full confidence that the funding for their efforts will be forthcoming.

But the question remains who is going to fill those new positions, and it is this question that most concerns me. Over the last few years, we have seen some troubling indications about the quality of teaching candidates being

produced by the nation's education schools. Most Americans would probably be surprised to learn that college students who choose to go into teaching today tend to fall near the bottom of their peer group academically—a survey of students in 21 different fields of study found that education majors ranked 17th in their performance on the SAT.

And most Americans would probably also be surprised to know that many of those would-be teachers are struggling to pass basic skills tests after graduating from their training programs. In Massachusetts, for example, 59 percent of the 1,800 candidates who took the state's first-ever certification exam flunked a literacy exam that the state board of education chairman rated as at ''about the eight-grade level,'' In Long Island, to cite another example, only one in four teaching candidates in a pool of 758 could pass an English test normally given to 11th-graders.

These indicators are troubling in their own right, but they are even more so when we consider the pressures local school districts are under to fill holes in their teaching staffs. Many school systems around the country are already feeling the effects of the teacher shortage, and as a result administrators are being forced to grant large numbers of emergency waivers to certification or licensure rules. This is a troubling trend, because while certification is not a guarantee of quality, the fact that so many schools are lowering their standards to fill vacancies only heightens the chance that children in those schools will be struck with an unqualified instructor.

In light of all of these developments, I think it is imperative that we search for new ways to attract more of the nation's best and brightest to the classroom, and we look beyond our education schools to tap new pools of talent. That is why I am so enthusiastic about the creative approach taken by the Troops to Teachers program. I can't think of a better source of teaching candidates than the smart, disciplined and dedicated men and women who leave the military every year, or a better return on the investment we as taxpayers have made in their training.

A recent evaluation done by the nonpartisan National Center for Education Information reveals that the troops who have participated so far have excelled in their new careers.

Our research shows that military people transition extremely well into teaching,'' said NCEI President Emily Feistritzers. ''They are a rich source of teachers in all the areas where we need teachers—geographically and by subject area. There are more males among them than in normal recruiting, and they are very committed; they are going into teaching for all the right reasons.

The NCEI study found that 90 percent of program participants were male, in comparison to the current teaching force, which is three-quarters female; that more than 75 percent of the troops were teaching in inner cities or in small towns and rural areas, often where shortages are most acute and where strong male role models are most needed; and that 85 percent of the troops who started teaching over he last four years are still on the job, a retention rate far higher than for other new educators.

One of the most important needs these troops are filling is in math and science classes. Several surveys have shown that a startling number of the men and women who are teaching math and science in middle and high schools today are not trained in these fields. This problem is especially severe in inner city school districts, where approximately half of all math and science teachers lack a major or minor in their field. The soldiers who are participating in Troops to Teachers often have advanced training in engineering and technology, and are well-equipped to prepare our children for the demands of the Information Age economy.

It there is one place where Troops to Teachers is falling short, it is in the number of participants. According to the Defense Department, less than 2 percent of the military personnel who have been eligible for the program have participated in the past five years. This is due in part, we believe, to the fact that Congress has not appropriated any money for the program in the last four years, and thereby stopped providing any financial support to troops who often incur thousands of dollars in costs for certification and relocations.

The central goal of our legislation—beyond renewing the program's authorization, which expires at the end of this fiscal—is to boost that participation rate, to persuade more troops to embrace a new way to serve their nation. Our bill would authorize $25 million for each of the next five years, the bulk of which would go toward funding stipends of $5,000 to participants who commit to teach four years, and a special ''bonus'' stipend of $10,000 to troops who commit to teach in high-needs areas, which we hope will spur more former service members to consider teaching.

I particularly hope our legislation will increase participation in my state of Connecticut. According to the Defense Department, only six troops have been placed in teaching jobs in Connecticut to date, which is disappointing given the significant number of military personnel located in the state. The Connecticut Department of Education believes local school districts could substantially benefit from this untapped resource, and for that reason the department has strongly voiced its support for our legislation.

Even with the new incentives we are creating, which we hope will recruit as many as 3,000 new teachers each year, we recognize that Troops to Teachers will still only make a modest dent in solving the national shortage. But we will, with an extremely modest investment, make a substantial contribution to our common goals of raising teaching standards and helping our children realize their potential. And we may well galvanize support for a recruitment method that, as Education Secretary Richard Riley has suggested, could serve as a model for bringing many more bright, talented people from different professions to serve in our public schools and raise teaching standards there.

The President has already expressed his strong support for our efforts to renew and revitalize Troops to Teachers, including new funding for it in his FY 2000 budget request. I hope my colleagues will join the impressive bipartisan coalition of cosponsors we have already assembled in supporting our legislation. We have a great opportunity here to harness a unique national resource to meet a pressing national need, and I hope we will seize it this year.

Mr. President, I ask unanimous consent that an article from the Washington Post be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 7, 1999]

TEACHER SHORTAGE STYMIES EFFORTS TO CUT CLASS SIZES

(By Amy Argetsinger)

In 1996, California enacted perhaps the most ambitious education initiative of the decade—a $1 billion program to reduce the size of elementary school classes by hiring 20,000 extra teachers.

Parents cheered the plan, and other states—including Maryland and Virginia—have rushed to imitate it. President Clinton joined in, too, promising a national plan to help hire 100,000 teachers in the next several years.

But California's effort instantly posed a question that is likely to be echoed across the country as many schools embark on a historic hiring binge:

Where are all these new teachers supposed to come from?

California found enough teachers—but only by draining its substitute pools, raiding private schools, recruiting from other states and Mexico and hiring thousands without state teaching licenses. Today, about 10 percent of the state's teachers are working with ''emergency'' credentials.

It's a problem that could appear in many other school districts that are bracing for their worst teacher shortages in years, at the same time they are trying to fulfill the popular education reform goals of raising teacher standards and reducing class sizes.

Already, in Prince George's County, an early collision of these goals suggests that sometimes something has to give. When Gov. Parris N. Glendening (D) promised to hire 1,100 new teachers, he also warned that school districts must have at least 98 percent of their teachers with full state certification by 2002 or risk losing the new funds. But in counties such as Prince George's, which offers mid-range salaries and where only 87 percent of teachers are fully certified, officials complain they cannot possibly improve their numbers that fast.

This week, aides said the governor may consider giving some districts more time to reach the goal.

''It's a very delicate balancing act,'' warned Lawrence E. Leak, Maryland's assistant superintendent of schools. ''Each one of those issues''—shortages, standards and class

sizes—''are compelling with respect to wanting quality teachers in the classroom.''

Last fall, public school officials throughout the Washington area and across the country found themselves scrambling to fill last-minute teaching vacancies. Most were in science and math classes, where instructors can command much higher salaries in booming high-tech private industries. Many districts also reported shortages of special education teachers.

Yet a more serious and widespread shortage is looming. In the next decade, rising student enrollments and a wave of baby-boomer retirements will require 2 million new teachers, according to the U.S. Department of Education. Meanwhile, teacher colleges in many parts of the country are turning out fewer graduates—a phenomenon attributed to both the low birth rates of the mid-1970s and that generation's reluctance to enter such a demanding but low-paying field.

School districts have responded by cranking up recruitment efforts, setting off early across the country in search of top teacher candidates, forging ties with education schools, and piling on the incentives. Baltimore schools last year started offering job prospects $5,000 toward closing costs on a new home in the city. Some North Carolina districts promise 6.5 percent annual raises. Massachusetts caused a sensation this month by offering top teaching-school graduates the chance to apply for competitive $20,000 signing bonuses.

At the University of Virginia last week, a record 210 recruiters showed up at a job fair to woo a graduating class of only 150 teaching majors—20 of whom were already spoken for.

''It's unheard of,'' said Gigi Davis-White, a career-planning director at the university's Curry School of Education. ''I had recruiters complaining. . . . They'd never really had to work that fast.''

The demand is not limited to students with an education degree, she said. ''If you have a math, science or foreign language background, they'll provisionally certify you and get you in the classroom.''

Deeply concerned about the looming shortages, Maryland legislators are weighing a passel of measures to lure more people into teaching.

Glendening is promoting full scholarships for students who promise to teach in Maryland schools. And although a pitch by state Superintendent of Schools Nancy S. Grasmick to give teachers tax breaks found no sponsor, proposals now before the state General Assembly include $3,000 signing bonuses for top graduates, tax credits to reward graduate studies, stipends for high-performing teachers, and pension protections to encourage retired teachers to return to the classroom. Sen. Gloria G. Lawlah (D-Prince George's) is proposing scholarships for students who promise to teach in Prince George's and property tax breaks for county teachers.

Yet some say such efforts fall short. Karl Pence, president of the Maryland State Teachers Association, said state officials need to focus less on quick fixes and cash bonuses than on making teaching a more desirable and respected profession.

''There are lots of teachers who would accept challenges of working in at-risk schools if they could have reasonable class size, the materials they need, clean and safe buildings, and technology right there in the classroom,'' he said.

But the best attempts to fight the teacher shortage may be complicated by efforts to reduce class size—which require hiring even more teachers.

It's one of the most politically popular issues of the day: Many parents and politicians insist that with fewer students in a room, a teacher can provide more individual attention to each and thus enrich the learning experience. Clinton's proposal won funding for a first-stage hire of 30,000 teachers who will join the nation's classrooms this fall.

Meanwhile, both Glendening and Virginia Gov. James S. Gilmore III (R) are touting their own class-size reduction plans, now under consideration in their state legislatures. And individual school districts—including Montgomery and Howard counties and Alexandria—are pouring money into similar programs. (D.C. officials have no plan to reduce their relatively small class sizes, although they agree that teachers are always at a premium.)

Most of the class-size reduction plans are aimed at kindergarten through third grade, where researchers believe children are best served by the extra attention. Some plans also would add more teachers in seventh- or ninth-grade math, another critical juncture for students.

Some analysts argue that smaller classes—though increasing the demand for teachers—may help solve the shortages by making teaching more appealing. In California, schools had little trouble finding teachers for the new first- and second-grade slots, which promised no more than 20 students a class.

The catch, however, was that many of them deserted posts in crowded middle school classrooms to take the new jobs—leaving a void in the upper-grade teaching ranks.

At the same time, politicians have increasingly made an issue about the quality of public school teachers. Virginia last year set the highest cutoff score in the nation on the standardized test for aspiring teachers. Maryland, meanwhile, has set several new hurdles for teachers, requiring them to take several more reading courses for certification and linking their license renewal to regular evaluations.

Lately in Maryland, state officials also have raised concerns about the large number of teachers lacking full certification, especially in Prince George's County and Baltimore. Fully certified teachers generally must pass a set of approved education courses, have some student teaching experience and pass a national teacher's exam.

Officials in these districts maintain that just because a teacher is uncertified doesn't mean he or she is a bad teacher—many of the ''provisionally'' certified teachers are close to completing the requirements for licensure.

But they also complain that their smaller budgets and larger enrollments make it hard to vie for the dwindling pool of qualified applicants. ''The competition is intense,'' said Louise F. Waynant, Prince George's deputy superintendent of schools. ''And we do find that school districts with higher teacher salaries have a bit of an advantage.''

Gordon Ambach, the executive director of the Council of Chief State School Officers, argues that the teacher shortage will have little effect on affluent suburbs but will hit hard in school systems such as Prince George's and the District, which have greater pockets of poor and immigrant students.

But some education analysts—especially advocates for teaching—see opportunity in the teacher crunch. Linda Darling-Hammond, executive director of the National Commission on Teaching and America's Future, notes that some parts of the country produce more than enough teachers, but that those instructors cannot easily get licensed in other states. She said states should offer more reciprocity in teacher licensing.

She also said the real shortage problem stems from high rates of attrition—almost 30 percent of teachers drop out within five years. ''We waste a lot of money and time and effort with the revolving door,'' Darling-Hammond said, ''trying to recruit people, then treating them badly and watching them leave.''

David Haselkorn, president of Recruiting New Teachers Inc., said school systems need to offer mentoring programs for struggling new teachers—such a plan has been proposed in the Maryland General Assembly. And he said he hopes the crunch will inspire local officials to consider raising salaries and otherwise improve teachers' working conditions.

''The opportunity is to use this moment in time—when we are going to be doing a substantial amount of hiring—to rethink significantly how we prepare and support teachers for the 21st century.''●

By Mr. REID:

S. 390. A bill to amend title II of the Social Security Act to allow workers who attain age 65 after 1981 and before 1992 to choose either lump sum payments over four years totaling $5,000 or an improved benefit computation formula under a new 10-year rule governing the transition to the changes in benefit computation rules enacted in the Social Security Amendments of 1977, and for other purposes; to the Committee on Finance.

● Mr. REID. Mr. President, I rise today to introduce legislation that would correct a problem that plagues a special group of older Americans. I am speaking on behalf of those affected by the Social Security notch.

For my colleagues who may not be aware, the Social Security notch causes 11 million Americans born between the years 1917–1926 to receive less in Social Security benefits than Americans born outside the notch years due to changes made in the 1977 Social Security benefit formula.

I have felt compelled over the years to speak out about this issue and the injustice it imposes on millions of Americans. The notch issue has been debated and debated, studied and studied, yet to date, no solution to it has been found. Because of this, many older Americans born during this period must scrimp to afford the most basic of necessities.

Mr. President, I am the first to acknowledge that with any projected budget surplus we must save Social Security. In many ways, my legislation does just this. It restores confidence to the many notch victims around the country and will show them that we in Congress will accept responsibility for any error that was made. We should not ask them to accept less as a result of our mistake. While we must save Social Security for the future, we have an obligation to those, who through no fault of their own, receive less than those that were fortunate enough to be born just days before or after the notch period.

I believe we owe a debt to notch babies. Like any American family, we must first pay the bills before we invest in the future. We have the resources to make good on our debt to notch babies. We should come forward and honor our commitment.

Mr. President, the ''notch'' situation had its origins in 1972, when Congress decided to create automatic cost-of-living adjustments to help Social Security benefits keep pace with inflation. Previously, each adjustment had to await legislation, causing beneficiaries' monthly payments to lag behind inflation. When Congress took this action, it was acting under the best of intentions.

Unfortuately, this new benefit adjustment method was flawed. To function properly, it required that the economy behave in much the same fashion that it had in the 1950s and 1960s, with annual wage increases outpacing prices, and inflation remaining relatively low. As we all know, that did not happen. The rapid inflation and high unemployment of the 1970s generated increases in benefits. In an effort to end this problem, in 1977 Congress revised the way that benefits were computed. In making its revisions, Congress decided that it was not proper to reduce benefits for persons already receiving them; it did, however, decide that benefits for all future retirees should be reduced. As a result, those born after January 1, 1917 would, by design, receive benefits that were, in many cases, far less. In an attempt to ease the transition to the new, lower benefit levels, Congress designed a special 'transitional computation method' for use by beneficiaries born between 1917 and 1921.

Mr. President, we have an obligation to convey to our constituents that Social Security is a fair system. In town hall meetings back home in Nevada, I have a hard time trying to tell that to a notch victim. They feel slighted by their government and if I were in their situation, I would too. Through no fault of their own, they receive less, sometimes as much as $200 less, than their neighbors.

The legislation I am offering today is my proposal to right the wrong. I propose using any projected budget surplus to pay the lump sum benefit to notch babies. While we have a surplus, let's fix the notch problem once and for all and restore the confidence of the ten million notch babies across this land.

Government has an obligation to be fair. I don't think we have been in the case of notch babies. My support of notch babies is longstanding. I introduced the only notch amendment in April 1991 that ever passed in Congress as part of the fiscal year 1992 Budget Resolution. Unfortunately, it did not become the law of the land as it was dropped in Conference with the House of Representatives. I have cosponsored numerous pieces of legislation over the years to address this issue. With this legislation, my effort continues.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 390

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Notch Fairness Act of 1999''.

SEC. 2. NEW GUARANTEED MINIMUM PRIMARY INSURANCE AMOUNT WHERE ELIGIBILITY ARISES DURING TRANSITIONAL PERIOD.

(a) IN GENERAL.—Section 215(a) of the Social Security Act (42 U.S.C. 415(a)) is amended—

(1) in paragraph (4)(B)—

(A) by inserting ''(with or without the application of paragraph (8))'' after ''would be made''; and

(B) in clause (i), by striking ''1984'' and inserting ''1989''; and

(2) by adding at the end the following:

''(8)(A) In the case of an individual described in paragraph (4)(B) (subject to subparagraphs (F) and (G) of this paragraph), the amount of the individual's primary insurance amount as computed or recomputed under paragraph (1) shall be deemed equal to the sum of—

''(i) such amount, and

''(ii) the applicable transitional increase amount (if any).

''(B) For purposes of subparagraph (A)(ii), the term 'applicable transitional increase amount' means, in the case of any individual, the product derived by multiplying—

''(i) the excess under former law, by

''(ii) the applicable percentage in relation to the year in which the individual becomes eligible for old-age insurance benefits, as determined by the following table:

''If the individual becomes eligible for such benefits in:	The applicable percentage is:
1979	55 percent
1980	45 percent
1981	35 percent
1982	32 percent
1983	25 percent
1984	20 percent
1985	16 percent
1986	10 percent
1987	3 percent
1988	5 percent.

''(C) For purposes of subparagraph (B), the term 'excess under former law' means, in the case of any individual, the excess of—

''(i) the applicable former law primary insurance amount, over

''(ii) the amount which would be such individual's primary insurance amount if computed or recomputed under this section without regard to this paragraph and paragraphs (4), (5), and (6).

''(D) For purposes of subparagraph (C)(i), the term 'applicable former law primary insurance amount' means, in the case of any individual, the amount which would be such individual's primary insurance amount if it were—

''(i) computed or recomputed (pursuant to paragraph (4)(B)(i)) under section 215(a) as in effect in December 1978, or

''(ii) computed or recomputed (pursuant to paragraph (4)(B)(ii)) as provided by subsection (d),

(as applicable) and modified as provided by subparagraph (E).

''(E) In determining the amount which would be an individual's primary insurance amount as provided in subparagraph (D)—

''(i) subsection (b)(4) shall not apply;

''(ii) section 215(b) as in effect in December 1978 shall apply, except that section 215(b)(2)(C) (as then in effect) shall be deemed to provide that an individual's 'computation base years' may include only calendar years in the period after 1950 (or 1936 if applicable) and ending with the calendar year in which such individual attains age 61, plus the 3 calendar years after such period for which the total of such individual's wages and self-employment income is the largest; and

''(iii) subdivision (I) in the last sentence of paragraph (4) shall be applied as though the words 'without regard to any increases in that table' in such subdivision read 'including any increases in that table'.

''(F) This paragraph shall apply in the case of any individual only if such application results in a primary insurance amount for such individual that is greater than it would be if computed or recomputed under paragraph (4)(B) without regard to this paragraph.

''(G)(i) This paragraph shall apply in the case of any individual subject to any timely election to receive lump sum payments under this subparagraph.

''(ii) A written election to receive lump sum payments under this subparagraph, in lieu of the application of this paragraph to the computation of the primary insurance amount of an individual described in paragraph (4)(B), may be filed with the Commissioner of Social Security in such form and manner as shall be prescribed in regulations of the Commissioner. Any such election may be filed by such individual or, in the event of such individual's death before any such election is filed by such individual, by any other beneficiary entitled to benefits under section 202 on the basis of such individual's wages and self-employment income. Any such election filed after December 31, 1999, shall be null and void and of no effect.

''(iii) Upon receipt by the Commissioner of a timely election filed by the individual described in paragraph (4)(B) in accordance with clause (ii)—

''(I) the Commissioner shall certify receipt of such election to the Secretary of the Treasury, and the Secretary of the Treasury, after receipt of such certification, shall pay such individual, from amounts in the Federal Old-Age and Survivors Insurance Trust Fund, a total amount equal to $5,000, in 4 annual lump sum installments of $1,250, the first of which shall be made during fiscal year 2000 not later than July 1, 2000, and

''(II) subparagraph (A) shall not apply in determining such individual's primary insurance amount.

''(iv) Upon receipt by the Commissioner as of December 31, 1999, of a timely election filed in accordance with clause (ii) by at least one beneficiary entitled to benefits on the basis of the wages and self-employment income of a deceased individual described in paragraph (4)(B), if such deceased individual has filed no timely election in accordance with clause (ii)—

''(I) the Commissioner shall certify receipt of all such elections received as of such date to the Secretary of the Treasury, and the Secretary of the Treasury, after receipt of such certification, shall pay each beneficiary filing such a timely election, from amounts in the Federal Old-Age and Survivors Insurance Trust Fund, a total amount equal to $5,000 (or, in the case of 2 or more such beneficiaries, such amount distributed evenly among such beneficiaries), in 4 equal annual lump sum installments, the first of which shall be made during fiscal year 2000 not later than July 1, 2000, and

''(II) solely for purposes of determining the amount of such beneficiary's benefits, subparagraph (A) shall be deemed not to apply in determining the deceased individual's primary insurance amount.''.

(b) EFFECTIVE DATE AND RELATED RULES.—

(1) APPLICABILITY OF AMENDMENTS.—

(A) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this Act shall be effective as though they had

been included or reflected in section 201 of the Social Security Amendments of 1977.

(B) APPLICABILITY.—No monthly benefit or primary insurance amount under title II of the Social Security Act shall be increased by reason of such amendments for any month before July 2000. The amendments made this section shall apply with respect to benefits payable in months in any fiscal year after fiscal year 2003 only if the corresponding decrease in adjusted discretionary spending limits for budget authority and outlays under section 3 of this Act for fiscal years prior to fiscal year 2004 is extended by Federal law to such fiscal year after fiscal year 2003.

(2) RECOMPUTATION TO REFLECT BENEFIT INCREASES.—Notwithstanding section 215(f)(1) of the Social Security Act, the Commissioner of Social Security shall recompute the primary insurance amount so as to take into account the amendments made by this Act in any case in which—

(A) an individual is entitled to monthly insurance benefits under title II of such Act for June 2000; and

(B) such benefits are based on a primary insurance amount computed—

(i) under section 215 of such Act as in effect (by reason of the Social Security Amendments of 1977) after December 1978, or

(ii) under section 215 of such Act as in effect prior to January 1979 by reason of subsection (a)(4)(B) of such section (as amended by the Social Security Amendments of 1977).

SEC. 3. OFFSET PROVIDED BY PROJECTED FEDERAL BUDGET SURPLUSES.

Amounts offset by this Act shall not be counted as direct spending for purposes of the budgetary limits provided in the Congressional Budget Act of 1974 and the Balanced Budget and Emergency Deficit Control Act of 1985.●

By Mr. KERREY (for himself, Mr. BOND, Mr. KENNEDY, Mr. GORTON, Mr. GRAHAM, Mr. DEWINE, Mr. MOYNIHAN, Mr. DURBIN, Mr. INOUYE, Mr. MACK, and Mrs. MURRAY):

S. 391. A bill to provide for payments to children's hospitals that operate graduate medical education programs; to the Committee on Finance.

CHILDREN'S HOSPITALS EDUCATION AND RESEARCH ACT OF 1999

● Mr. KERREY. Mr. President, I am pleased to introduce this proposal to provide critical support to teaching programs at free-standing children's hospitals. I am also honored to be joined by Senators BOND, KENNEDY, DURBIN, DEWINE, MOYNIHAN, GRAHAM, GORTON, INOUYE, MACK, and MURRAY as original cosponsors. And I am gratified to note that the President's budget submission for FY 2000 also includes funding for teaching programs at these hospitals.

Children's hospitals play an important role in our nation's health care system. They combine high-quality clinical care, a vibrant teaching mission and leading pediatric biomedical research within their walls. They provide specialized regional services, including complex care to chronically ill children, and serve as safety-net providers to low-income children.

Teaching is an inherent component of these hospitals' day-to-day operations. These hospitals train twenty-nine percent of the nation's pediatricians, and the majority of America's pediatric specialists. Pediatric residents develop the skills they need to care for our nation's children at these institutions.

In addition, these hospitals effectively combine the joint missions of teaching and research. Scientific discovery depends on the strong academic focus of teaching hospitals. The teaching environment attracts academics devoted to research. It attracts the volume and spectrum of complex cases needed for clinical research. And the teaching mission creates the intellectual environment necessary to test the conventional wisdom of day-to-day health care and foster the questioning that leads to breakthroughs in research. Because these hospitals combine research and teaching in a clinical setting, these breakthroughs can be rapidly translated into patient care.

Children's hospitals have contributed to advances in virtually every aspect of pediatric medicine. Thanks to research efforts at these hospitals, children can survive once-fatal diseases such as polio, grow and thrive with disabilities such as cerebral palsy, and overcome juvenile diabetes to become self-supporting adults.

Through patient care, teaching and research, these hospitals contribute to our communities in many ways. However, their training programs—and their ability to fulfill their critical role in America's health care system—are being gradually undermined by dwindling financial support. Maintaining a vibrant teaching and research program is more expensive than simply providing patient care. The nation's teaching hospitals have historically relied on additional support—support beyond the cost of clinical care itself—in order to finance their teaching programs. Today, competitive market pressures provide little incentive for private payers to contribute towards teaching costs. At the same time, the increased use of managed care plans within the Medicaid program has decreased the availability of teaching dollars through Medicaid. Therefore, Medicare's support for graduate medical education is more important than ever.

Independent children's hospitals, however, serve an extremely small number of Medicare patients. Therefore, they do not receive Medicare graduate medical education payments to support their teaching activities. The most significant source of graduate medical education financing is, in large part, not available to these hospitals.

This proposal will address, for the short-term, this unintended consequence of current public policy. It will provide time-limited support to help children's hospitals train tomorrow's pediatricians, investigate new treatments and pursue pediatric biomedical research. It will establish a four-year fund, which will provide children's hospitals with Federal teaching payments that are based on their per resident costs and the complexity of their patient population. Total spending over four years will be less than a billion dollars.

This proposal does not solve the fundamental dilemma of how to cover the cost of training our nation's doctors. Congress has charged the Bipartisan Commission on the Future of Medicare with developing recommendations on this important question—and Congress has directed the Commission to examine teaching support for children's hospitals within these recommendations. I believe the Commission's recommendation will recognize the need to include children's hospitals within the framework of graduate medical education. But in the meantime, this proposal provides the support these hospitals need until these broader questions are answered and addressed.

All American families have great dreams for their children. These hopes include healthy, active, happy childhoods, so they seek the best possible health care for their children. And when these dreams are threatened by a critical illness, they seek the expertise of highly-trained pediatricians and pediatric specialists, and rely on the research discoveries fostered by children's hospitals. All families deserve a chance at the American dream. Through this legislation, we will help children's hospitals—hospitals such as Children's Hospital in Omaha, Boys' Town, St. Louis Children's Hospital, Children's Hospital in Boston, Children's Hospital in Seattle+ and others—train the doctors and do the research necessary to fulfill this dream. Through this legislation, Congress will be doing its part to help American families work towards a successful future.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 391

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Children's Hospitals Education and Research Act of 1999''.

SEC. 2. PROGRAM OF PAYMENTS TO CHILDREN'S HOSPITALS THAT OPERATE GRADUATE MEDICAL EDUCATION PROGRAMS.

(a) PAYMENTS.—

(1) IN GENERAL.—The Secretary shall make payments under this section to each children's hospital for each hospital cost reporting period under the medicare program beginning in or after fiscal year 2000 and before fiscal year 2004 for the—

(A) direct expenses associated with operating approved medical residency training programs; and

(B) indirect expenses associated with the treatment of more severely ill patients and the additional costs related to the teaching of residents.

(2) PAYMENT AMOUNTS.—Subject to paragraph (3), the following amounts shall be payable under this section to a children's hospital for a cost reporting period described in paragraph (1):

(A) DIRECT EXPENSES.—The amount determined under subsection (b) for direct expenses described in paragraph (1)(A).

(B) INDIRECT EXPENSES.—The amount determined under subsection (c) for indirect expenses described in paragraph (1)(B)

(3) CAPPED AMOUNT.—

(A) IN GENERAL.—The payments to children's hospitals established in this subsection for cost reporting periods ending in any fiscal year shall not exceed the funds appropriated under subsection (e) for that fiscal year.

(B) PRO RATA REDUCTIONS OF PAYMENTS FOR DIRECT EXPENSES.—If the Secretary determines that the amount of funds appropriated under subsection (e)(1) for cost reporting periods ending in any fiscal year is insufficient to provide the total amount of payments otherwise due for such periods, the Secretary shall reduce each of the amounts payable under this section pursuant to paragraph (2)(A) for such period on a pro rata basis to reflect such shortfall.

(b) AMOUNT OF PAYMENT FOR DIRECT MEDICAL EDUCATION.—

(1) IN GENERAL.—The amount determined under this subsection for payments to a children's hospital for direct expenses relating to approved medical residency training programs for a cost reporting period beginning in or after fiscal year 2000 and before fiscal year 2004 is equal to the product of—

(A) the updated per resident amount for direct medical education, as determined under paragraph (2), for the cost reporting period; and

(B) the number of full-time equivalent residents in the hospital's approved medical residency training programs (as determined under section 1886(h)(4) of the Social Security Act (42 U.S.C. 1395ww(h)(4))) for the cost reporting period.

(2) UPDATED PER RESIDENT AMOUNT FOR DIRECT MEDICAL EDUCATION.—The updated per resident amount for direct medical education for a hospital for a cost reporting period ending in a fiscal year is an amount equal to the per resident amount for cost reporting periods ending during fiscal year 1999 for the hospital involved (as determined by the Secretary using the methodology described in section 1886(h)(2)(E)) of such Act (42 U.S.C. 1395ww(h)(2)(E))) increased by the percentage increase in the Consumer Price Index for All Urban Consumers (United States city average) from fiscal year 1999 through the fiscal year involved.

(c) AMOUNT OF PAYMENT FOR INDIRECT MEDICAL EDUCATION.—

(1) IN GENERAL.—The amount determined under this subsection for payments to a children's hospital for indirect expenses associated with the treatment of more severely ill patients and the additional costs related to the teaching of residents for a cost reporting period beginning in or after fiscal year 2000 and before fiscal year 2004 is equal to an amount determined appropriate by the Secretary.

(2) FACTORS.—In determining the amount under paragraph (1), the Secretary shall—

(A) take into account variations in case mix among children's hospitals and the number of full-time equivalent residents in the hospitals' approved medical residency training programs for the cost reporting period; and

(B) assure that the aggregate of the payments for indirect expenses associated with the treatment of more severely ill patients and the additional costs related to the teaching of residents under this section in a fiscal year are equal to the amount appropriated for such expenses in such year under subsection (e)(2).

(d) MAKING OF PAYMENTS.—

(1) INTERIM PAYMENTS.—The Secretary shall estimate, before the beginning of each cost reporting period for a hospital for which the payments may be made under this section, the amounts of the payments for such period and shall (subject to paragraph (2)) make the payments of such amounts in 26 equal interim installments during such period.

(2) WITHHOLDING.—The Secretary shall withhold up to 25 percent from each interim installment paid under paragraph (1).

(3) RECONCILIATION.—At the end of each such period, the hospital shall submit to the Secretary such information as the Secretary determines to be necessary to determine the percent (if any) of the total amount withheld under paragraph (2) that is due under this section for the hospital for the period. Based on such determination, the Secretary shall recoup any overpayments made, or pay any balance due. The amount so determined shall be considered a final intermediary determination for purposes of applying section 1878 of the Social Security Act (42 U.S.C. 1395oo) and shall be subject to review under that section in the same manner as the amount of payment under section 1886(d) of such Act (42 U.S.C. 1395ww(d)) is subject to review under such section.

(e) LIMITATION ON EXPENDITURES.—

(1) DIRECT MEDICAL EDUCATION.—

(A) IN GENERAL.—Subject to subparagraph (B), there are hereby appropriated, out of any money in the Treasury not otherwise appropriated, for payments under this section for direct expenses relating to approved medical residency training programs for cost reporting periods beginning in—

(i) fiscal year 2000, $35,000,000;

(ii) fiscal year 2001, $95,000,000;

(iii) fiscal year 2002, $95,000,000; and

(iv) fiscal year 2003, $95,000,000.

(B) CARRYOVER OF EXCESS.—If the amount of payments under this section for cost reporting periods beginning in fiscal year 2000, 2001, or 2002 is less than the amount provided under this paragraph for such payments for such periods, then the amount available under this paragraph for cost reporting periods beginning in the following fiscal year shall be increased by the amount of such difference.

(2) INDIRECT MEDICAL EDUCATION.—There are hereby appropriated, out of any money in the Treasury not otherwise appropriated, for payments under this section for indirect expenses associated with the treatment of more severely ill patients and the additional costs related to the teaching of residents for cost reporting periods beginning in—

(A) fiscal year 2000, $65,000,000;

(B) fiscal year 2001, $190,000,000;

(C) fiscal year 2002, $190,000,000; and

(D) fiscal year 2003, $190,000,000.

(f) RELATION TO MEDICARE AND MEDICAID PAYMENTS.—Notwithstanding any other provision of law, payments under this section to a hospital for a cost reporting period—

(1) are in lieu of any amounts otherwise payable to the hospital under section 1886(h) or 1886(d)(5)(B) of the Social Security Act (42 U.S.C. 1395ww(h); 1395ww(d)(5)B)) to the hospital for such cost reporting period, but

(2) shall not affect the amounts otherwise payable to such hospitals under a State medicaid plan under title XIX of such Act (42 U.S.C. 1396 et seq.).

(g) DEFINITIONS.—In this section:

(1) APPROVED MEDICAL RESIDENCY TRAINING PROGRAM.—The term ''approved medical residency training program'' has the meaning given such term in section 1886(h)(5)(A) of the Social Security Act (42 U.S.C. 1395ww(h)(5)(A)).

(2) CHILDREN'S HOSPITAL.—The term ''children's hospital'' means a hospital described in section 1886(d)(1)(B)(iii) of the Social Security Act (42 U.S.C. 1395ww(d)(1)(B)(iii)).

(3) DIRECT GRADUATE MEDICAL EDUCATION COSTS.—The term ''direct graduate medical education costs'' has the meaning given such term in section 1886(h)(5)(C) of the Social Security Act (42 U.S.C. 1395ww(h)(5)(C)).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.●

● Mr. KENNEDY. Mr. President, America's children—from the smallest premature baby to the tallest teenager—deserve access to doctors trained specifically in meeting their health needs. I commend Senator KERREY's leadership in this bipartisan legislation introduced today to provide greater support to children's hospitals, so that they can continue to train the kinds of doctors that children need.

In the United States, there are 53 freestanding pediatric hospitals—less than 1% of all the hospitals in the country. Yet they train more than a quarter of all pediatricians and more than half of all pediatric specialists. These hospitals also help train other doctors who need experience in taking care of children—including family doctors, neurologists, and surgeons.

Children's hospitals typically provide care for the sickest children—those whose medical needs are not easily met in the local and community hospitals. Patients in children's hospitals include a higher percentage of our nation's uninsured children and low-income children. These hospitals are the source of many new lifesaving strategies, such as treating childhood cancer and helping premature babies to breathe.

But the ability of children's hospitals to train doctors is in increasing jeopardy. Funds for training residents are declining as changes take place in the ways we pay for our health care. For most hospitals, support for graduate medical education is funded through Medicare. But since freestanding children's hospitals treat almost no Medicare patients, they receive almost no federal support or other support for training their residents.

Democrats and Republicans recognize that qualified children's physicians are needed as much as other types of physicians. Under this bill, the Department of Health and Human Services is authorized to provide support to freestanding children's hospitals for such training. It means that children's hospitals will receive the same level of support that this country gives to other teaching hospitals. Under this legislation funds will be distributed fairly, by using a formula that considers variations across the country in the cost of such training. Safeguards are included to guarantee that the dollars are spent only when residents are actually trained.

President Clinton's budget recognizes this high priority. It includes a $40 million downpayment until this legislation is enacted.

I look forward to working with my colleagues and the administration to assure early passage of this needed legislation. I commend both the President

and the First Lady for their strong commitment to children and for their indispensable leadership on this important issue. Action by Congress is needed now. We must work together to make a long-term commitment to enable children's hospitals to train the physicians of the future to care for children.●

By Mrs. MURRAY (for herself and Mr. GORTON):

S. 392. A bill to designate the Federal building and United States courthouse located at West 920 Riverside Avenue in Spokane, Washington, as the ''Thomas S. Foley Federal Building and United States Courthouse,'' and the plaza at the south entrance of that building and courthouse as the ''Walter F. Horan Plaza''; to the Committee on Environment and Public Works.

THOMAS S. FOLEY FEDERAL BUILDING AND UNITED STATES COURTHOUSE

Mrs. MURRAY. Mr. President, today I have introduced legislation designating the federal building located at West 920 Riverside Avenue, Spokane, Washington, as the ''Thomas S. Foley Federal Building and United States Courthouse.'' The bill also designates the plaza located immediately in front of the building as the ''Walter F. Horan Plaza.''

Speaker Tom Foley had a long and distinguished career in the United States House of Representatives. He served for 30 years, concluding his service as Speaker of the House in the 103rd Congress. He was also Speaker in the 102nd Congress, and held positions as Majority Leader, Majority Whip, and Chairman of the House Agriculture Committee. Speaker Foley now serves as our nation's Ambassador to Japan.

Tom Foley is a native of Spokane, Washington, and earned his undergraduate and law degree from the University of Washington. His parents were highly respected citizens of Spokane.

Mr. Foley personified the high ideal to which all of us aspire as public servants and Members of Congress. First and foremost he was a gentleman who sought consensus, recognizing the value of maintaining a good working relationship among colleagues. He loved Congress, and believed it to be the best forum for democracy in the world.

Speaker Foley worked tirelessly to promote and strengthen the Northwest's economy. During my first two years as a Senator, I enjoyed working with him and I am proud of our joint efforts to help our constituents, especially in the successful promotion of Washington wheat and apples on both domestic and international markets. Without Mr. Foley, we would likely not be exporting our agricultural products to as many destinations across the globe as we do. Today, he continues to see that our goods are sold in places, such as Japan, that historically have had tightly controlled markets.

Today I also honor another Washington native, Walter F. Horan. He served 22 years, from 1943 to 1965, as the Congressman from eastern Washington. Representative Horan was raised in Wenatchee, served in the Navy during the First World War, graduated from Washington State University in Pullman, and raised apples on his family farm.

As a member of the Appropriations Committee, Representative Horan was an excellent advocate for western interests, especially those of his constituents in eastern Washington. As a farmer himself, he knew the needs of the people he served and urged the Congress to pass laws to ensure their economic prosperity. He died in 1966 and is buried in his beloved hometown of Wenatchee.

It is my honor to sponsor legislation that permanently recognizes the contributions these two Washingtonians have made to my state and our nation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 392

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF THOMAS S. FOLEY FEDERAL BUILDING AND UNITED STATES COURTHOUSE.

(a) IN GENERAL.—The Federal building and United States courthouse located at West 920 Riverside Avenue in Spokane, Washington, shall be known and designated as the ''Thomas S. Foley Federal Building and United States Courthouse''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in subsection (a) shall be deemed to be a reference to the ''Thomas S. Foley Federal Building and United States Courthouse''.

SEC. 2. DESIGNATION OF WALTER F. HORAN PLAZA.

(a) IN GENERAL.—The plaza located at the south entrance of the Federal building and United States courthouse referred to in section 1(a) shall be known and designated as the ''Walter F. Horan Plaza''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the plaza referred to in subsection (a) shall be deemed to be a reference to the ''Walter F. Horan Plaza''.

SEC. 3. EFFECTIVE DATE.

This Act takes effect on March 6, 1999.●

ADDITIONAL COSPONSORS

S. 13

At the request of Mr. SESSIONS, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 13, a bill to amend the Internal Revenue Code of 1986 to provide additional tax incentives for education.

S. 61

At the request of Mr. DEWINE, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 61, a bill to amend the Tariff Act of 1930 to eliminate disincentives to fair trade conditions.

S. 135

At the request of Mr. DURBIN, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 135, a bill to amend the Internal Revenue Code of 1986 to increase the deduction for the health insurance costs of self-employed individuals, and for other purposes.

S. 170

At the request of Mr. SMITH, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 170, a bill to permit revocation by members of the clergy of their exemption from Social Security coverage.

S. 223

At the request of Mr. LAUTENBERG, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 223, a bill to help communities modernize public school facilities, and for other purposes.

S. 260

At the request of Mr. GRASSLEY, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 260, a bill to make chapter 12 of title 11, United States Code, permanent, and for other purposes.

S. 261

At the request of Mr. SPECTER, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 261, a bill to amend the Trade Act of 1974, and for other purposes.

S. 271

At the request of Mr. FRIST, the names of the Senator from Montana (Mr. BURNS) and the Senator from Minnesota (Mr. GRAMS) were added as cosponsors of S. 271, a bill to provide for education flexibility partnerships.

S. 280

At the request of Mr. FRIST, the names of the Senator from Montana (Mr. BURNS) and the Senator from Minnesota (Mr. GRAMS) were added as cosponsors of S. 280, a bill to provide for education flexibility partnerships.

S. 322

At the request of Mr. CAMPBELL, the names of the Senator from Michigan (Mr. ABRAHAM), the Senator from Nevada (Mr. REID), and the Senator from South Carolina (Mr. HOLLINGS) were added as cosponsors of S. 322, a bill to amend title 4, United States Code, to add the Martin Luther King Jr. holiday to the list of days on which the flag should especially be displayed.

S. 331

At the request of Mr. JEFFORDS, the names of the Senator from Nevada (Mr. BRYAN), the Senator from Montana (Mr. BAUCUS), the Senator from Hawaii (Mr. AKAKA), the Senator from New York (Mr. SCHUMER), the Senator from Mississippi (Mr. COCHRAN), the Senator from New Mexico (Mr. DOMENICI), the Senator from North Dakota (Mr. DORGAN), and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 331, a bill to amend the Social Security Act to expand the availability of

health care coverage for working individuals with disabilities, to establish a Ticket to Work and Self-Sufficiency Program in the Social Security Administration to provide such individuals with meaningful opportunities to work, and for other purposes.

S. 346

At the request of Mrs. HUTCHISON, the names of the Senator from Kansas (Mr. ROBERTS), the Senator from Alabama (Mr. SESSIONS), and the Senator from Alabama (Mr. SHELBY) were added as cosponsors of S. 346, a bill to amend title XIX of the Social Security Act to prohibit the recoupment of funds recovered by States from one or more tobacco manufacturers.

SENATE JOINT RESOLUTION 2

At the request of Mr. KYL, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of Senate Joint Resolution 2, a joint resolution proposing an amendment to the Constitution of the United States to require two-thirds majorities for increasing taxes.

SENATE CONCURRENT RESOLUTION 5

At the request of Mr. BROWNBACK, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Washington (Mr. GORTON) were added as cosponsors of Senate Concurrent Resolution 5, a concurrent resolution expressing congressional opposition to the unilateral declaration of a Palestinian state and urging the President to assert clearly United States opposition to such a unilateral declaration of statehood.

SENATE RESOLUTION 29

At the request of Mr. ROBB, the names of the Senator from Michigan (Mr. ABRAHAM), the Senator from Delaware (Mr. BIDEN), the Senator from New Mexico (Mr. BINGAMAN), the Senator from North Dakota (Mr. CONRAD), the Senator from Vermont (Mr. JEFFORDS), the Senator from Nebraska (Mr. KERREY), and the Senator from Virginia (Mr. WARNER) were added as cosponsors of Senate Resolution 29, a resolution to designate the week of May 2, 1999, as ''National Correctional Officers and Employees Week.''

SENATE CONCURRENT RESOLUTION 7—HONORING THE LIFE AND LEGACY OF KING HUSSEIN IBN TALA AL-HASHEM

By Mr. LOTT (for himself, Mr. DASCHLE, Mr. HELMS, Mr. BIDEN, Mr. ABRAHAM, Mr. AKAKA, Mr. ALLARD, Mr. ASHCROFT, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BREAUX, Mr. BROWNBACK, Mr. BRYAN, Mr. BUNNING, Mr. BURNS, Mr. BYRD, Mr. CAMPBELL, Mr. CHAFEE, Mr. CLELAND, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. COVERDELL, Mr. CRAIG, Mr. CRAPO, Mr. DEWINE, Mr. DODD, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. EDWARDS, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FITZGERALD, Mr. FRIST, Mr. GORTON, Mr. GRAHAM, Mr. GRAMM, Mr. GRAMS, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mr. HOLLINGS, Mr. HUTCHINSON, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERREY, Mr. KERRY, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MACK, Mr. MCCAIN, Mr. MCCONNELL, Ms. MIKULSKI, Mr. MOYNIHAN, Mr. MURKOWSKI, Mrs. MURRAY, Mr. NICKLES, Mr. REED, Mr. REID, Mr. ROBB, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. ROTH, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH of New Hampshire, Mr. SMITH of Oregon, Ms. SNOWE, Mr. SPECTER, Mr. STEVENS, Mr. THOMAS, Mr. THOMPSON, Mr. THURMOND, Mr. TORRICELLI, Mr. VOINOVICH, Mr. WARNER, Mr. WELLSTONE, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. CON. RES. 7

Whereas King Hussein ibn Talal al-Hashem was born in Amman on November 14, 1935;

Whereas he was proclaimed king of Jordan in August of 1952 at the age of 17 following the assassination of his grandfather, King Abdullah and the abdication of his father, Talal;

Whereas King Hussein became the longest serving head of state in the Middle East, working with every U.S. President since Dwight D. Eisenhower;

Whereas under King Hussein, Jordan has instituted wide-ranging democratic reforms;

Whereas throughout his life, King Hussein survived multiple assassination attempts, plots to overthrow his government and attacks on Jordan, invariably meeting such attacks with fierce courage and devotion to his Kingdom and its people;

Whereas despite decades of conflict with the State of Israel, King Hussein invariably maintained a dialogue with the Jewish state, and ultimately signed a full-fledged peace treaty with Israel on October 26, 1994;

Whereas King Hussein has established a model for Arab-Israeli coexistence in Jordan's ties with the State of Israel, including deepening political and cultural relations, growing trade and economic ties and other major accomplishments;

Whereas King Hussein contributed to the cause of peace in the Middle East with tireless energy, rising from his sick bed at the last to assist in the Wye Plantation talks between the State of Israel and the Palestinian Authority;

Whereas King Hussein fought cancer with the same courage he displayed in tirelessly promoting and making invaluable contributions to peace in the Middle East;

Whereas on February 7, 1999, King Hussein succumbed to cancer in Amman, Jordan: Now, therefore, be it

Resolved by the Senate, (The House of Representatives concurring), That the Congress—

(1) extends its deepest sympathy and condolences to the family of King Hussein and to all the people of Jordan in this difficult time;

(2) expresses admiration for King Hussein's enlightened leadership and gratitude for his support for peace throughout the Middle East;

(3) expresses its support and best wishes for the new government of Jordan under King Abdullah;

(4) reaffirms the United States commitment to strengthening the vital relationship between our two governments and peoples;

SEC. 2. The Secretary of the Senate is directed to transmit an enrolled copy of this resolution to the family of the deceased.

NOTICES OF HEARINGS

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Senate Committee on Health, Education, Labor, and Pensions will be held on Tuesday, February 9, 1999, 9:30 a.m., in SD–430 of the Senate Dirksen Building. The subject of the hearing is Department of Education Elementary and Secondary Education Proposals. For further information, please call the committee, 202/224–5357.

COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Senate Committee on Health, Education, Labor, and Pensions will be held on Wednesday, February 10, 1999, 9:30 a.m., in SD–430 of the Senate Dirksen Building. The subject of the hearing is Labor Department Budget Initiatives. For further information, please call the committee, 202/224–5375.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Senate Committee on Health, Education, Labor, and Pensions will be held on Thursday, February 11, 1999, 9:30 a.m., in SD–430 of the Senate Dirksen Building. The subject of the hearing is Education Budget Proposals. For further information, please call the committee, 202/224–5375.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the public that a hearing has been scheduled before the full Energy and Natural Resources Committee to consider the President's proposed fiscal year 2000 budget.

The committee will hear testimony from the following:

1. The Department of Energy and the Federal Energy Regulatory Commission on Thursday, February 25, 1999, beginning at 9 a.m., in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

2. The Forest Service on Thursday, February 25, 1999, beginning at 2 p.m., in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

3. The Department of the Interior on Tuesday, March 2, 1999, beginning at 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

For further information, please call Betty Nevitt, staff assistant at (202) 224–0765, Amie Brown, staff assistant at (202) 224–6170, or Jo Meuse, staff assistant at (202) 224–4756.

ADDITIONAL STATEMENTS

APPROPRIATIONS COMMITTEE RULES—106TH CONGRESS

● Mr. STEVENS. Mr. President, the Senate Appropriations Committee has unanimously adopted rules governing its procedures for the 106th Congress. Pursuant to Rule XXVI, paragraph 2, of the ''Standing Rules of the Senate'', I send to the desk a copy of the Committee rules for publication in the CONGRESSIONAL RECORD.

The rules follow:

SENATE APPROPRIATIONS COMMITTEE RULES—106TH CONGRESS

I. Meetings—

The Committee will meet at the call of the Chairman.

II. Quorums—

1. Reporting a bill. A majority of the members must be present for the reporting of a bill.

2. Other business. For the purpose of transacting business other than reporting a bill or taking testimony, one-third of the members of the Committee shall constitute a quorum.

3. Taking testimony. For the purpose of taking testimony, other than sworn testimony, by the Committee or any subcommittee, one member of the Committee or subcommittee shall constitute a quorum. For the purpose of taking sworn testimony by the Committee, three members shall constitute a quorum, and for the taking of sworn testimony by any subcommittee, one member shall constitute a quorum.

III. Proxies—

Except for the reporting of a bill, votes may be cast by proxy when any member so requests.

IV. Attendance of staff members at closed sessions—

Attendance of Staff Members at closed sessions of the Committee shall be limited to those members of the Committee Staff that have a responsibility associated with the matter being considered at such meeting. This rule may be waived by unanimous consent.

V. Broadcasting and photographing of Committee hearing—

The Committee or any of its subcommittees may permit the photographing and broadcast of open hearings by television and/or radio. However, if any member of a subcommittee objects to the photographing or broadcasting of an open hearing, the question shall be referred to the Full Committee for its decision.

VI. Availability of subcommittee reports—

To the extent possible, when the bill and report of any subcommittee are available, they shall be furnished to each member of the Committee thirty-six hours prior to the Committee's consideration of said bill and report.

VII. Amendments and report language—

To the extent possible, amendments and report language intended to be proposed by Senators at Full Committee markups shall be provided in writing to the Chairman and Ranking Minority Member and the appropriate Subcommittee Chairman and Ranking Minority Member twenty-four hours prior to such markups.

VIII. Points of order—

Any member of the Committee who is floor manager of an appropriation bill, is hereby authorized to make points of order against any amendment offered in violation of the Senate Rules on the floor of the Senate to such appropriation bill.●

NOTICE OF INTENT TO SUSPEND THE RULES

● Mr. DASCHLE. In accordance with rule V, on behalf of myself and Senator FEINSTEIN, I hereby give notice in writing that it is my intention to move to suspend the following:

Rule VII, paragraph 2 the phrase ''upon the calendar''; and

Rule VIII, paragraph 2 the phrase ''during the first two hours of a new legislative day.''

In order to permit a motion to proceed to a censure resolution, to be introduced on the day of the motion to proceed, notwithstanding the fact that it is not on the calendar of business.●

NOTICE OF INTENT TO SUSPEND THE RULES

● Mrs. FEINSTEIN. In accordance with rule V, on behalf of myself and Senator DASCHLE, I hereby give notice in writing that it is my intention to move to suspend the following:

Rule VII, paragraph 2 the phrase ''upon the calendar''; and

Rule VIII, paragraph 2 the phrase ''during the first two hours of a new legislative day.''

In order to permit a motion to proceed to a censure resolution, to be introduced on the day of the motion to proceed, notwithstanding the fact that it is not on the calendar of business.●

TAX TREATMENT OF TAX-EXEMPT BONDS UNDER ELECTRICITY RESTRUCTURING

● Mr. GORTON. Mr. President, last Saturday, together with my colleagues Senators KERRY, JEFFORDS, HOLLINGS, THURMOND, HARKIN, MURRAY, SMITH of Oregon, JOHNSON, and WYDEN. I introduced ''The Bond Fairness and Protection Act of 1999.'' This is a bi-partisan compromise approach to legislation addressing the tax consequences of electricity restructuring on tax-exempt bonds that are issued by municipally-owned or state-owned utilities (often referred to as ''publicly-owned'' utilities) for the generation, transmission, and distribution of electricity.

As my colleagues may recall, last Congress I introduced a substantially similar bill, S. 2182, with eleven cosponsors from both sides of the aisle. Unfortunately, the 105th Congress did not have an opportunity to address this or other proposals on electricity restructuring. This year we have worked to simplify and refine last year's legislation in response to thoughtful comments we received last year, and in an effort to facilitate timely consideration of the legislation in this Congress.

Despite the lack of Federal legislation in this policy area, 18 states have already gone forward and begun to allow retail market choice for electricity consumers at the state and local level. The era of retail competition has already started both for publicly-owned and investor-owned utilities operating in these states.

Until recently, publicly-owned utilities have been able to operate under a strict regime of Federal tax rules governing their ability to issue tax-exempt bonds. These rules were enacted in an era when decision makers did not contemplate retail or wholesale electricity competition. These so-called ''private use'' rules limit the amount of electricity that publicly-owned utilities may sell to private entities through facilities that are financed with tax-exempt bonds. For years, the private use rules were cumbersome but manageable. As states move to restructure the electricity industry however, the private use rules were threatening many public power communities with significant financial penalties as they adjust to the changing marketplace. In effect, the rules are forcing publicly-owned utilities to face the prospects of violating the private use rules, or walling off their customers from competition. In either case, this will raise rates for consumers—the precise opposite of what restructuring is intended to achieve. The consumer can only lose when the marketplace operates in this inefficient manner.

The legislation that I am introducing today would protect all consumers by grandfathering outstanding tax-exempt bonds, but only if the issuing municipality or state utility elects to terminate permanently its ability to issue tax-exempt debt to build new generating facilities. Such an election would not affect transmission and distributions facilities, which generally would still be regulated under most restructuring proposals or frameworks. Publicly-owned utilities that do not make this irrevocable election would continue to operate under a clarified version of exiting law, thus remaining subject to the private use rules.

This legislation attempts to balance and be fair to the interests of all stakeholders in electricity restructuring while keeping the interest of the consumer paramount. It strikes a compromise between publicly-owned utilities and investor-owned utilities by providing an option for publicly-owned utilities to address the problem of how to comply with private use restriction in a restructured marketplace, an option that involves significant trade-offs for the publicly-owned utilities that seek to utilize it. For investor-owned utilities, requiring publicly-owned utilities to forego the ability to issue tax-exempt debt for new generation facilities should mitigate any potential or perceived competitive advantage in the new competitive world. At the same time, it honors promises made to bondholders under contract and existing tax law, thereby avoiding the inequitable consequence of applying old rules to the newly-emerging competitive world of electricity.

In addition, for those concerned about the environment, it provides incentives to deliver electricity efficiently through open access and retail

competition. Most importantly, for consumers the legislation allows competition to thrive while providing additional local options.

Mr. President, we plan to work with all interested parties, and most importantly American consumers, to ensure that we develop the fairest and most reasonable solution to this complex problem. We want electricity restructuring to be a good deal for everyone involved, especially the American consumer who deserves the lower electric bills that a competitive marketplace should provide. I believe this legislation addresses all of these concerns and promotes fair competition in the electricity industry. I urge my colleagues to join me in co-sponsoring this legislation.

Mr. President, I ask that the text of the bill, and an explanatory memorandum be printed in the RECORD.

The material follows:

S. 386

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Bond Fairness and Protection Act of 1999''.

SEC. 2. TAX-EXEMPT BOND FINANCING OF CERTAIN ELECTRIC FACILITIES.

(a) PERMITTED OPEN ACCESS TRANSACTIONS NOT A PRIVATE BUSINESS USE.—Section 141(b)(6) of the Internal Revenue Code of 1986 (defining private business use) is amended by adding at the end the following:

''(C) PERMITTED OPEN ACCESS TRANSACTIONS NOT A PRIVATE BUSINESS USE.—

''(I) IN GENERAL.—For purposes of this subsection, the term 'private business use' shall not include a permitted open access transaction.

''(ii) PERMITTED OPEN ACCESS TRANSACTION DEFINED.—For purposes of clause (I), the term 'permitted open access transaction' means any of the following transactions or activities with respect to all electric output facility (as defined in subsection (f)(4)(A)) owned by a governmental unit:

''(I) Providing open access transmission services and ancillary services that meet the reciprocity requirements of Federal Energy Regulatory Commission Order No. 888, or that are ordered by the Federal Energy Regulatory Commission, or that are provided in accordance with a transmission tariff of an independent system operator approved by such Commission, or are consistent with state administered laws, rules or orders providing for open transmission access.

''(II) Participation in an independent system operator agreement (which may include transferring control of transmission facilities to an independent system operator), in a regional transmission group, or in a power exchange agreement approved by such Commission.

''(III) Delivery on an open access basis of electric energy sold by other entities to end-users served by such governmental unit's distribution facilities.

''(IV) If open access service is provided under subclause (I) or (III), the sale of electric output of electric output facilities on terms other than those available to the general public if such sale is to an on-system purchaser or is an existing off-system sale.

''(V) Such other transactions or activities as may be provided in regulations prescribed by the Secretary.

''(iii) DEFINITIONS; SPECIAL RULES.—For purposes of this subparagraph—

''(I) ON-SYSTEM PURCHASER.—The term 'on-system purchaser' means a person who purchases electric energy from a governmental unit and whose electric facilities or equipment are directly connected with transmission or distribution facilities that are owned by such governmental unit.

''(II) OFF-SYSTEM PURCHASER.—The term 'off-system purchaser' means a purchaser of electric energy from a governmental unit other than an on-system purchaser.

''(III) EXISTING OFF-SYSTEM SALE.—The term 'existing off-system sale' means a sale of electric energy to a person that was an off-system purchaser of electric energy in the base year, but not in excess of the kilowatt hours purchased by such person in such year.

''(IV) BASE YEAR.—The term 'base year' means 1998 (or, at the election of such unit, in 1996 or 1997).

''(V) JOINT ACTION AGENCIES.—A member of a joint action agency that is entitled to make a sale described in clause (ii)(IV) in a year may transfer that entitlement to the joint action agency in accordance with rules of the Secretary.''

''(VI) GOVERNMENT-OWNED FACILITY.—An electric output facility (as defined in subsection (f)(4)(A)) shall be treated as owned by a governmental unit if it is owned or leased by such governmental unit or if such governmental unit has capacity rights therein acquired before July 9, 1996, for the purposes of serving one or more customers to which such governmental unit had a service obligation on such date under state law or a requirements contract.

(b) ELECTION TO TERMINATE TAX EXEMPT FINANCING.—Section 141 of the Internal Revenue Code of 1986 (relating to private activity bond; qualified bond) is amended by adding at the end the following:

''(f) ELECTION TO TERMINATE TAX-EXEMPT BOND FINANCING FOR CERTAIN ELECTRIC OUTPUT FACILITIES.—

''(1) IN GENERAL.—An issuer may make an irrevocable election under this paragraph to terminate certain tax-exempt financing for electric output facilities. If the issuer makes such election, then—

''(A) except as provided in paragraph (2), no bond the interest on which is exempt from tax under section 103 may be issued on or after the date of such election with respect to an electric output facility; and

''(B) notwithstanding paragraph (1) or (2) of subsection (a) or paragraph (5) of subsection (b), with respect to an electric output facility no bond that was issued before the date of enactment of this subsection, the interest on which was exempt from tax on such date, shall be treated as a private activity bond, for so long as such facility continues to be owned by a governmental unit.

''(2) EXCEPTIONS.—An election under paragraph (1) does not apply to—

''(A) any qualified bond (as defined in subsection (e)).

''(B) any eligible refunding bond, or

''(C) any bond issued to finance a qualifying T&D facility, or

''(D) any bond issued to finance equipment necessary to meet Federal or state environmental requirements applicable to, or repair of, electric output facilities in service on the date of enactment of this subsection. Repairs or equipment may not increase by more than a de minimus degree the capacity of the facility beyond its original design.

''(3) FORM AND EFFECT OF ELECTIONS.—An election under paragraph (1) shall be made in such a manner as the Secretary prescribes and shall be binding on any successor in interest to the electing issuer.

''(4) DEFINITIONS.—for purposes of this subsection.

''(A) ELECTRIC OUTPUT FACILITY.—The term 'electric output facility' means an output facility that is an electric generation, transmission, or distribution facility.

''(B) ELIGIBLE REFUNDING BOND.—The term 'eligible refunding bond' means state or local bonds issued after an election described in paragraph (1) that directly or indirectly refund state or local bonds issued before such election, if the weighted average maturity of the refunding bonds do not exceed the remaining weighted average maturity of the bonds issued before the election.

''(C) QUALIFYING T&D FACILITY.—The term 'qualifying T&D facility' means—

''(I) transmission facilities over which services described in subsection (b)(6)(C)(ii)(I) are provided, or

''(ii) distribution facilities over which services described in subsection (b)(6)(C)(ii)(III) are provided.''

(c) EFFECTIVE DATE, APPLICABILITY, AND TRANSITION RULES.—

(1) EFFECTIVE DATE.—The amendments made by this section take effect on the date of enactment of this Act, except that a governmental unit may elect to apply section 141(b)(6)(C) of the Internal Revenue Code of 1986, as added by subsection (a), with respect to permitted open access transactions on or after July 9, 1996.

(2) APPLICABILITY.—References in the Act to sections of the Internal Revenue Code of 1986, as amended, shall be deemed to include references to comparable sections of the Internal Revenue Code of 1954, as amended.

(3) TRANSITION RULES.—

(A) PRIVATE BUSINESS USE.—Any activity that was not a private business use prior to the effective date of the amendment made by subsection (a) shall not be deemed to be a private business use by reason of the enactment of such amendment.

(B) ELECTION.—An issuer making the election under section 141(f) of the Internal Revenue Code of 1986, as added by subsection (b), shall not be liable under any contract in effect on the date of enactment of this Act for any claim arising from having made the election.

EXPLANATION OF S. 386

BACKGROUND

Interest on bonds issued by state and local governments is generally exempt from Federal income taxes. One exception to this general rule relates to bonds that finance output facilities used in a private business. In the case of such facilities, if the contractual arrangements for sale of the output transfer the benefits and burdens of ownership of the facility to private parties, the use is treated as a private business use and the bonds issued to finance the facility may not be tax-exempt. If at the time of issuance the issuer reasonably expected that the private business use rules would be violated or the issuer thereafter on the bonds is retroactively taxable to date of issuance.

There has been significant uncertainty as to how these private business use rules apply to public power systems in the emerging competitive wholesale and retail electricity markets. In particular, questions have been raised as to whether such systems may (1) provide open access transmission services, (2) contractually commit their transmission systems to an Independent System Operator (ISO), (3) open their distribution facilities to retail competition, or (4) lower prices to particular customers to meet competition.

PROPOSED AMENDMENTS

This legislation would amend the Internal Revenue Code of 1986 to make two modifications to the private business use rules as they apply to electric facilities: (1) to clarify the application of the existing private business use rules in the new competitive environment, and (2) to make the private business use rules inapplicable to existing tax-

exempt debt issued by any public power system that elects not to issue new tax-exempt debt for electric generation and certain other facilities.

1. Clarification of Existing Private Business Use Rules.—Subsection (a) of section 2 of the bill amends section 141 (b)(6) of the Code to make it clear that the following activities (referred to as ''permitted open access transactions'') do not result in a private business use and will not make otherwise tax-exempt bonds taxable:

(a) Providing open access transmission service consistent with Federal Energy Regulatory Commission (FERC) Order No. 888 or with State open transmission access rules.

(b) Joining a FERC approved ISO, regional transmission group (RTG), power exchange, or providing service in accordance with an ISO, RTG, or power exchange tariff.

(c) Providing open access distribution services to competing retail sellers of electricity.

(d) If open access transmission or distribution services are offered, contracting for sale or power at non-tariff rates with on-system purchasers or existing off-system purchasers.

Treasury by regulation could add to the list of permitted open access transactions.

2. Election to Terminate Issuing Future Tax-Exempt Debt.—Subsection (b) of section 2 amends section 141 of the Code to permit a public power system to elect to terminate issuing new tax-exempt bonds.

(a) Termination Election—Under new Code section 141(f)(1), if a public power system elects to terminate issuance of new tax-exempt bonds, it may then undertake transactions that are not otherwise permissible under the private business use rules (as amended above) without endangering the tax-exempt status of its existing bonds. Specifically, if the issuer makes an irrevocable termination election under this provision, then (subject to the exceptions discussed below) no tax-exempt bond may be issued on or after the date of such election with respect to an electric output facility, and no tax-exempt bond that was issued before the date of enactment will be treated as a private activity bond. This treatment continues for so long as such facility continues to be owned by a governmental unit.

Essentially, making this termination election will eliminate the possibility of a private business use challenge to existing tax-exempt debt. If a utility does not make the election, its existing tax-exempt debt for electric generation facilities would continue to be subject to applicable private business use rules and the marketing constraints thereunder.

(B) Exceptions to Termination.—Under section 141(f)(2) even if a public power system made the suspension or termination election, it could continue to issue tax-exempt bonds for the following purposes: for transmission and distribution facilities used to provide open access transmission and distribution services; for ''qualified bonds'' as defined in section 141 (e) of the Code (which are not currently subject to private business use restrictions); for eligible refunding bonds (bonds that refinance existing bonds but do not extend their average maturity); and for bonds issued to finance repairs of, or environmentally-related equipment for, electrical output facilities, so long as the capacity of the facility is not increased over a de minimis amount.

3. *Effective Dates*.—Subsection (c) makes the provisions of the bill effective on date of enactment, but an issuer may elect to make the private business use rules as clarified by the bill applicable retroactively to 1996 (when FERC issued its Order No. 888). Paragraph (2) of subsection (c) makes it clear that the provisions of the bill apply to bonds issued under the Internal Revenue Code of 1954 as well as the Internal Revenue Code of 1986. This subsection also makes clear that any activity that was not a private business use prior to the enactment of the bill will not be deemed to be a private business use by reason of the bill's enactment. In addition, an issuer making the election under the bill will not be liable under any contract in effect on the date of enactment of the bill for any contract claim arising from having made the election.●

MEASURE PLACED ON THE CALENDAR—H.R. 99

Mr. LOTT. Mr. President, there is a bill at the desk due for its second reading.

The PRESIDING OFFICER. The clerk will read.

The bill clerk read as follows:

A bill (H.R. 99) to amend title 49, United States Code, to extend Federal Aviation Administration programs through September 30, 1999, and for other purposes.

Mr. LOTT. Mr. President, I object to further proceedings on this matter at this time.

The PRESIDING OFFICER. Objection is heard. It will be placed on the calendar.

HONORING THE LIFE AND LEGEND OF KING HUSSEIN OF JORDAN

Mr. LOTT. I now ask unanimous consent that the Senate proceed to the consideration of S. Con. Res. 7, which is at the desk.

The PRESIDING OFFICER. The clerk will state the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 7) honoring the life and legacy of King Hussein ibn Talal al-Hashem.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. LOTT. Mr. President, I rise to offer, together with the distinguished Minority Leader Senator DASCHLE, a resolution recognizing the significant and lasting contributions to peace and security by His Majesty King Hussein of Jordan, who passed away just hours ago.

I was deeply saddened by the news of the death of King Hussein—a true patriot and long-time friend of the United States. His bold leadership and personal courage serve as a model to all of us. I know I speak for my colleagues when I say, our thoughts and prayers are with his family and with the people of Jordan during this difficult time.

It is worth noting that the long-standing ties between our two governments are built upon a solid bedrock of respect and shared values. Even as we consider the profound contribution King Hussein made to peace and security the Middle East, it is vitally important for both our nations to take concrete steps to strengthen those relations, for the benefit of all our peoples. That is just as King Hussein would have wanted it.

In this regard, I am pleased to not that the resolution before us expresses support and best wishes for the new government in Jordan under King Abdullah. The King has signaled his desire to maintain a high degree of continuity for Jordan, for Middle east peace, for the region, and for U.S.-Jordanian relations. This includes a strong commitment to the Jordan-Israel peace treaty.

I strongly urge my colleagues to support this bipartisan resolution, as it represents a modest but important signal of the degree to which we honor the courageous life and lasting legacy of King Hussein. I thank my colleague from South Dakota for joining me in offering this resolution and I yield the floor.

Mr. DASCHLE. Mr. President, I am proud to cosponsor this resolution honoring one of the towering figures of our time.

Peace-loving people throughout the world feel a deep sadness over the death of Jordan's King Hussein. By the sheer force of his personal and political courage, he changed the world for the better.

None of us will ever forget how he rose from his sickbed at the Mayo Clinic last fall and came to the Wye River peace talks when those talks seemed in danger of collapse. Those who were there say he restored to those talks a sense that peace was not only possible, but worth making great sacrifices for, and taking extraordinary risks for.

His was a clear voice for moderation, tolerance and accommodation as he urged the two sides to work for peace. His admonition that there had been ''enough destruction, enough death, enough waste'' helped bridge the gap and forge an agreement.

King Hussein himself took a risk for peace in 1994, when he forged the historic peace agreement between Jordan and Israel.

Another image we will perhaps always remember is the picture of King Hussein kneeling not long ago at the feet of an Israeli father whose child had been killed by Jordanian border guards, and apologizing to the man for his loss. He was a noble man and, at the same time, a humble man.

He was also a man of great vision and skill. When he became the King, the Hashemite kingdom enjoyed little of what it has now.

In just a generation and a half, he created in Jordan a system of schools and roads and all the other infrastructure of a modern state.

King Hussein was a true friend of the United States. And, like all friends, we did not always see eye-to-eye on every matter.

In the end, however, it is not our differences with him that we remember. It is how he inspired people to come together despite their differences.

A man small in physical stature, he walked among us like a giant.

The world is diminished by his passing.

We will miss him greatly.

Today, as King Hussein is buried, we offer our prayers and sympathy to his family—especially Queen Noor and each of his children—and to all the people of his beloved Jordan.

We also pledge to work closely with King Abdullah and the Jordanian people to protect King Hussein's legacy. We must continue our efforts to promote peace in the Middle East, including implementing the Wye River Peace Accord, which would not have been possible without his courage.

Finally, I hope we will work expeditiously to approve the aid to Jordan that was agreed to at Wye as a tangible demonstration of our support for King Abdullah and our ongoing commitment to peace in the Middle East.

Our friend is gone, but his spirit lives on in the fragile Middle East peace. Let us nurture it and help it grow, in his name and in his memory.

Mr. HELMS. Mr. President, among the steady stream of foreign heads of state visiting the Senate's Foreign Relations Committee, King Hussein was always given a special welcome. He was instinctively a friend possessing a unique combination of grace and good humor. I therefore view his death as a personal loss.

I recall one occasion when members of our committee were gathered around the large oval table enjoying the King's jovial good humor. Queen Noor was present on that occasion. As His Majesty traded comments with the senators around him, it occurred to me that Queen Noor had perhaps not been properly welcomed. So I asked the King if he could identify the most significant 20th century export to his country. He obviously pondered the question with uncertainty, so we identified the ''export''—Queen Noor.

He laughed heartily and replied: ''I'm not about to disagree with that!''

This great man, great leader, and faithful friend of the United States presided over his country at a time fraught with peril, beset with almost constant threats both internal and external. Yet throughout his long reign he met the challenges of leadership with grace and courage. Without King Hussein, there would not today be even the limited peace the Middle East now enjoys.

He will be sorely missed, certainly by me. I wish godspeed to his son and successor, Abdullah bin Hussein.

Mr. BIDEN. Mr. President, I am pleased to support the resolution offered by the Majority and Minority Leaders in honor of the life and legacy of King Hussein.

With King Hussein's death, the United States has lost a close, steady friend in a troubled part of the world. My deepest condolences go out to the King's family and the Jordanian people. My best wishes go to King Hussein's designated heir, King Abdullah.

In all of my encounters with King Hussein I was impressed above all else by his optimism and determination in the cause of peace. He never gave up, and in his memory, we must now press forward on the road to peace.

I was also touched by his humanity and personal warmth. He was always gentle and polite, never aloof or imperious.

Though his life ended too soon, his legacy will survive. His rare gift of vision helped guide Jordan through many dark periods. The heroic steps he took to help promote peace and reconciliation between Arabs and Israelis will continue to bear fruit.

His efforts to establish the foundations of democratic government in Jordan remain a worthy example for the region, where democracy is in short supply.

Finally, the partnership between Jordan and the United States, cultivated so carefully by King Hussein over 46 years and nine American Administrations will continue well into the future.

President Clinton has asked us to demonstrate our support for Jordan in a very tangible way—by promptly approving his request for supplemental assistance to Jordan. I hope that we can act on that request quickly to show the Jordanian people that we honor the memory and great achievements of their late King, and that our friendship with their country is enduring.

Mr. FEINGOLD. Mr. President, I am deeply saddened by the death of King Hussein this past weekend. I have had the honor of meeting King Hussein several times, and have always been impressed by his dignity and grace. He was a true statesman.

Mr. President, through almost half a century of war and hope, tragedy and peace, King Hussein shepherded his country through its transition to a stable modern nation and a close U.S. ally. More than the words he has spoken, it is the actions he has taken that have earned him the respect of Israelis, and the trust of the Arab world. Throughout it all, King Hussein never lost sight of our common goal of a just and comprehensive Middle East peace, nor of what that peace would mean. He understood, even when no one else did, that true peace ''resides ultimately not in the hands of governments, but in the hands of people.''

On a personal note, I remember being moved by the words he shared during the funeral of another great leader, Yitzhak Rabin. There, on the hill above the troubled city of Jerusalem, a city where as a young boy the King had witnessed the assassination of his own grandfather, and in sight of the grave of Theodore Herzl, the founder of Zionism, King Hussein bore witness to his never-ending commitment to peace ''for all times to come,'' and pledged to do his ''utmost to ensure that we leave a similar legacy.'' And he mourned the loss of Rabin as a brother and a friend.

I also recall with deep admiration being in the company of the King as he looked out at the Old City from the King David Hotel at the time of that funeral. It was perhaps the first time in many decades he had visited that place, and it was a moving moment.

King Hussein understood well that the religious and cultural roots of the Jewish and Muslim people are forever intertwined in the fertile and historic soil of the Middle East. His country was created along the Jordan River, after which it is named, following the First World War. Its original borders on the east bank of the river, created by colonial rulers, have been altered by annexation, war, and peace agreement. Two years after Jordan gained its independence from Great Britain, the fledgling State of Israel emerged on the other side of the Jordan River, and many of the Palestinians living in the new state migrated to Jordan.

King Hussein's grandfather, King Abdullah, was the first ruler of an independent Jordan. His decision to annex the Palestinian-held West Bank in 1950, when his grandson was 15 years old, initiated a series of events that would profoundly affect the balance of power in the Middle East and the life of the young prince.

In 1951, King Abdullah was assassinated by a Palestinian nationalist angered by the annexation of the West Bank. The then-Prince Hussein was standing just a few steps away as his grandfather fell. Illness prevented King Abdullah's son, Talal, from ruling, and he abdicated in favor of his own son, Prince Hussein, who formally assumed the throne in May 1953, at the age of 17. King Hussein would go on to rule Jordan for nearly half a century, and was the longest serving ruler in the Middle East at the time of his death.

King Hussein was the only ruler that most Jordanians have known. On a more personal note, he was the King of his country for just about as long as I have been alive. I was about two months old when he formally became King. Over the course of my life and his rule, my views about him and his country have changed dramatically.

I remember the deep animosity that existed between Jews and Jordanians when I was growing up in the 1960s, culminating in the Six Day War in 1967 during which Jordan lost control of the West Bank and East Jerusalem. While I was horrified by the religiously-motivated attacks perpetrated by many Jordanians during this time, I understand and appreciate the religious ties the Arab people feel toward Jerusalem. Two of the holiest sites in Islam, the Dome of the Rock and the Al Aqsa Mosque, where King Hussein's grandfather was assassinated, are located there.

Throughout these last few decades, I have developed an immense respect for King Hussein and for the Jordanian people. As is true for most people, when I was younger it took me some time to realize that the actions of one person or a group of people are not always an accurate representation of the

true feelings of a country or a political leader. The ethnic and religious violence that has occurred in the Middle East, and indeed around the world, is largely carried out by fringe groups who believe that violence is the only way to send a message, protest an action, or achieve a political goal.

Even though it was a violent act that propelled him into power at such a young age, King Hussein chose to reject violence and embrace peace. As a result of his moderate views, in 1974 an Arab summit declared that he was no longer the spokesman for the Palestinian people, and proclaimed that the Palestinian Liberation Organization, and its leader, Yasser Arafat, would assume that role. When the PLO began its ''intifada'' against Israel in 1988, King Hussein formally cut Jordan's ties to the West Bank, but retained a supervisory role over Muslim holy places in East Jerusalem and the West Bank.

In 1994, Jordan became only the second Arab country to sign a peace agreement with Israel. The two countries established diplomatic relations, Israel returned some territory to Jordan, and the countries have begun to work together on common issues such as shared infrastructure and access to potable water. Unfortunately, these courageous moves have sometimes been met with violent acts, particularly from those who felt that peace between Israel and Jordan was premature. The 1997 murder of seven Israeli school girls by a Jordanian soldier was a sobering reminder that not all Jordanians shared their King's support for peace. But, in a testament to his commitment to peace, King Hussein not only condemned this cowardly action, but he also made the effort to travel to Israel to visit with the families of the young victims.

One of the King's biggest strengths was his ability to lead quietly by example. His decision to visit the families of the children murdered by one of his army's soldiers is but one instance of this.

Even as the King was undergoing treatment for cancer at the Mayo Clinic, the welfare of his people and the status of the Middle East peace process was not far from his mind. He displayed a quiet courage and admirable strength by leaving the hospital and traveling to the Wye River peace negotiations last fall in order to encourage a settlement between the Israelis and the Palestinians. Even as his health was deteriorating, King Hussein's commitment to peace never waned. Selfless acts such as that earned him the respect of people around the world and made him one of the linchpins of the negotiations for peace in the Middle East.

Mr. President, this week's Torah portion speaks of the Revelation at Sinai. Moses had been commanded by God to prepare the people for God's descent and visit, and in the wake of dark clouds, thunder and lightning, the sounds of the Shofar, and the trembling of the earth, God spoke to the Israelites and made his commandments known. It is a powerful passage that speaks to the hearts of all of us who believe in God.

Despite a history fraught with pain, violence and death, King Hussein understood the universal meaning of the commandments, which instruct us not to covet the land and property of our neighbors, and, above all, not to kill. Throughout his life, King Hussein maintained a vision of a Middle East free from pain, violence and death, and he hoped he would see that day during his lifetime.

Alas, although significant progress has been made, including the warming of relations between Jordan and Israel, true peace in the Middle East still escapes us. But there is no doubt in my mind that among the many legacies of King Hussein is a true commitment to a just and lasting peace in the Middle East.

In his honor and in his memory, let us join him in committing ourselves to the same goal.

Mr. LOTT. I ask unanimous consent the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution appear in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution was agreed to.

The preamble was agreed to.

The concurrent resolution (S. Con. Res. 7), with its preamble, reads as follows:

S. CON. RES. 7

Whereas King Hussein ibn Talal al-Hashem was born in Amman on November 14, 1935;

Whereas he was proclaimed king of Jordan in August of 1952 at the age of 17 following the assassination of his grandfather, King Abdullah and the abdication of his father, Talal;

Whereas King Hussein became the longest serving head of state in the Middle East, working with every U.S. President since Dwight D. Eisenhower;

Whereas under King Hussein, Jordan has instituted wide-ranging democratic reforms;

Whereas throughout his life, King Hussein survived multiple assassination attempts, plots to overthrow his government and attacks on Jordan, invariably meeting such attacks with fierce courage and devotion to his Kingdom and its people;

Whereas despite decades of conflict with the State of Israel, King Hussein invariably maintained a dialogue with the Jewish state, and ultimately signed a full-fledged peace treaty with Israel on October 26, 1994;

Whereas King Hussein has established a model for Arab-Israeli coexistence in Jordan's ties with the State of Israel, including deepening political and cultural relations, growing trade and economic ties and other major accomplishments;

Whereas, King Hussein contributed to the cause of peace in the Middle East with tireless energy, rising from his sick bed at the last to assist in the Wye Plantation talks between the State of Israel and the Palestinian Authority;

Whereas King Hussein fought cancer with the same courage he displayed in tirelessly promoting and making invaluable contributions to peace in the Middle East;

Whereas on February 7, 1999, King Hussein succumbed to cancer in Amman, Jordan: Now, therefore, be it

Resolved by the Senate, (The House of Representatives concurring), That the Congress—

(1) extends its deepest sympathy and condolences to the family of King Hussein and to all the people of Jordan in this difficult time;

(2) expresses admiration for King Hussein's enlightened leadership and gratitude for his support for peace throughout the Middle East;

(3) expresses its support and best wishes for the new government of Jordan under King Abdullah;

(4) reaffirms the United States commitment to strengthening the vital relationship between our two governments and peoples;

SEC. 2. The Secretary of the Senate is directed to transmit an enrolled copy of this resolution to the family of the deceased.

ADJOURNMENT UNTIL 1 P.M. TOMORROW

Mr. LOTT. Mr. President, I now ask unanimous consent the Senate stand in adjournment under the previous order until 1 p.m. tomorrow.

There being no objection, the Senate, at 6:37 p.m., adjourned to reconvene as a Court of Impeachment on Tuesday, February 9, 1999, at 1 p.m.

NOMINATIONS

Executive nominations received by the Secretary of the Senate February 8, 1999, under authority of the order of the Senate of January 6, 1999:

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

ANNE JEANNETTE UDALL, OF NORTH CAROLINA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION FOR A TERM EXPIRING OCTOBER 6, 2004. (REAPPOINTMENT)

NATIONAL SCIENCE FOUNDATION

JOSEPH BORDOGNA, OF PENNSYLVANIA, TO BE DEPUTY DIRECTOR OF THE NATIONAL SCIENCE FOUNDATION, VICE ANNE C. PETERSEN, RESIGNED.

EXTENSIONS OF REMARKS

INTRODUCTION OF THE COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND AMENDMENTS ACT OF 1999

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1999

Mr. VENTO. Mr. Speaker, today I am introducing legislation to reauthorize the programs at the Community Development Financial Institutions Fund. A section-by-section analysis of the bill follows this statement.

The activities at the CDFI Fund—the CDFI and the Bank Enterprise Act (BEA) programs—have received high praise over the years as well as intense scrutiny. This legislation, basically a product of our Subcommittee's work from last year, with input from the Oversight Subcommittee of the Banking Committee, draws upon both praise and scrutiny to further the program for the future. The Fund has made numerous Administrative improvements already. With the measures included in this proposed legislation, many of those would be solidified so that problems do not occur in the future and so that everyone can focus on the positive impacts the CDFI programs have had in our communities.

As a strong supporter of local efforts of community development financial groups and financial institutions that focus on undeserved communities, I know that the CDFI programs and related programs that promote microenterprise activities and housing activities are critical to rebuilding and strengthening neighborhoods and their residents. The CDFI intermediaries and institutions that received BEA funds can be the foundation and the building blocks of economic opportunity and employment. They can serve as instigators of change and partners in business, housing and community initiatives.

Mr. Speaker, I am pleased to introduce this reauthorization legislation with the Gentlewoman from New Jersey, Mrs. ROUKEMA, with whom I worked to draft this bill over the course of last year. I hope that we will be able to move this bill early in this session so that we can ultimately enact these improvements into law this year.

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND AMENDMENTS ACT OF 1999

SECTION 1. SHORT TITLE; TABLE OF CONTENTS

SECTION 2. CHANGE OF STATUS OF THE FUND; MISCELLANEOUS TECHNICAL CORRECTIONS

This section changes the purpose section of the Community Development Banking and Financial Institutions Act of 1994 (the Act) to add language that clarifies that the purpose of the Act is to promote economic revitalization and community development not only through investment in and assistance to community development financial institutions (CDFIs) but also through enhancing the liquidity of community development financial institutions, and through incentives to insured depository institutions that increase lending and other assistance and investment in both economically distressed communities and CDFIs.

This section also changes the Act to reflect the intent of appropriations provisions that made the CDFI Fund a wholly-owned government corporation within the Treasury Department. Technical amendments to the Act eliminate the concept of a Presidentially appointed Administrator of the Fund, and, as with other Treasury programs, vest all the duties and responsibilities of the CDFI Fund in the Secretary of the Treasury (subject to existing statutory delegation authority). The Secretary may appoint all officers and employees of the CDFI Fund, including a Director.

This section makes technical changes to clarify that the Inspector General of the Treasury Department is the Inspector General of the CDFI Fund.

This section also gives the Secretary the authority to prescribe the necessary regulations and procedures.

SECTION 3. AMENDMENTS TO PROGRAMS ADMINISTERED BY THE FUND AND THE BANK ENTERPRISE ACT OF 1991

This section makes minor changes to the CDFI Awards Program administered by the CDFI Fund. The amendments provide that, for the training and technical assistance programs already authorized by the Act, the Fund may enter into cooperative agreements in addition to the other methods described.

This section amends the Bank Enterprise Act (BEA) Awards Program for insured depository institutions. The subsection provides technical amendments and clarifies that the Fund may provide assessment credits to insured depository institutions for increases in loans and other assistance provided to CDFIs. The provisions clarify the manner in which the Fund may take account of forms of assistance provided by insured depository institutions. In addition, the provisions permit the Fund to use alternative eligibility requirements to determine the definition of a ''qualified distressed community.'' Current criteria are difficult to interpret and may exclude some insured depository institutions, particularly those serving rural areas, from participation in the BEA Program.

SECTION 4. EXTENSION OF AUTHORIZATION

This section authorizes appropriations for fiscal years 2000, 2001, 2002, and 2003 for $95 million, $100 million, $105 million and $110 million, respectively.

SECTION 5. AMENDMENTS TO SMALL BUSINESS CAPITAL ENHANCEMENT PROGRAM

This section removes statutory barriers that currently block the CDFI Fund from administering the SBCE Program. The SBCE program would encourage states to implement small business ''capital access programs'' with the participation of certain depository institutions. These ''capital access programs'' expand access to small business loans by creating a loan loss reserve, funded by the depository institution, the borrower, and the state. This reserve fund allows banks to make more difficult small business loans. The Fund, under the SBCE Program, could reimburse participating states for a portion of funds contributed to these loan loss reserve accounts.

This section allows CDIFs to participate in the SBCE Program. It removes the requirement that the SBCE Program receive a threshold appropriation before beginning operations. And, this section will allow the CDIF fund (if the SBCE Program is operating) to reimburse participating states according to criteria established by the CDFI Fund in an amount up to 50% of the amount of contributions by the states, until funds made available for this purpose are expended. This permits the Fund to target reimbursements to states that have not yet established these programs or that have insufficient funds for effective programs.

SECTION 6. ADDITIONAL SAFEGUARDS

This section adds the requirement that the Fund use a scoring system as one of the tools to evaluate the merits of applications. It also requires the use of a multi-person review panel consisting of at least three persons, to apply the scoring system in order to reduce discretion and provide a mix of perspectives in the application review process. At least ⅓ of the members of the panel shall not be officers or employees of any government.

This section adds reporting requirements by the Fund to the Congress in their annual report. The CDFI Fund must include in their annual report its use of outside consultants, including the services provided by the consultants and the fees paid for those services. The report must detail the Fund's compliance with the Federal Manager's Financial Integrity Act (FMFIA). The FMFIA requires Federal programs to have controls in place to ensure that assets are safeguarded from waste, fraud, and abuse. The CDFI fund must also report any material internal control weaknesses identified in its most recent external audit along with corrective actions that will be taken to address such weaknesses. This section requires that the Fund report on the implementation of the objective scoring system in its first annual report following enactment of this legislation.

This section requires the GAO to submit to Congress, within 18-months of enactment, a study evaluating the structure, governance and performance of the CDFI Fund.

This section also requires the CDFI Fund to notify Congress in advance of hiring a contractor under the SBA's Section 8(a) contracting program.

BANKRUPTCY AMENDMENTS OF 1999

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1999

Mr. KNOLLENBERG. Mr. Speaker, I rise today to introduce a bill to address an injustice that exists within Title 11 of the United States Code regarding single asset bankruptcies.

The injustice within Title 11 stems from an 11th hour decision made during the 103rd Congress, which placed an arbitrary $4 million ceiling on the single asset provisions of the bankruptcy reform bill. The effect has been to render investors helpless in foreclosures on single assets valued over $4 million.

To rectify this problem, my bill eliminates the $4 million ceiling, thereby allowing creditors the ability to recover their losses. Under

the current law, Chapter 11 of the Bankruptcy Code becomes a legal shield for the debtor. Upon the investor's filing to foreclose, the debtor preemptively files for Chapter 11 protection which postpones foreclosure indefinitely.

While in Chapter 11, the debtor continues to collect the rents on the commercial asset. However, the commercial property is typically left to deteriorate and the property taxes go unpaid. When the investor finally recovers the property through the delayed foreclosure, they owe an enormous amount in back taxes, they receive a commercial property left in deterioration which has a lower rent value and resale value, and meanwhile, the rent for all the months or years they were trying to retain the property went to an uncollectible debtor.

My bill does not leave the debtor without protection. First, the investor brings a foreclosure against a debtor only as a last resort. This usually comes after all other efforts to reconcile delinquent mortgage payments have failed. Second, the debtor has up to ninety days to reorganize under Chapter 11. It should be noted, however, that single asset reorganizations are typically a false hope since the owner of a single asset does not have other properties from which he can recapitalize his business.

Finally, Mr. Speaker, my bill helps all American families by making their investments more secure and more valuable. The hard-working American families who depend on their life insurance policies and who have paid for years into their pensions will save millions in reduced costs. My bill protects the ''little guy'' from being plagued with years of litigation while a few unscrupulous commercial property owners continue to colllect the rent to line their own pockets.

TRIBUTE TO MARGARET WENTWORTH OWINGS

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1999

Mr. FARR of California. Mr. Speaker, I rise to memorialize the passing of a friend, a poet, an artist, and a passionate environmentalist. Margaret Wentworth Owings passed away on January 20, 1999 at her cliffside home in Big Sur California high above her beloved Pacific Ocean.

Born in Berkeley, California in 1913, Margaret Wentworth graduated from Mills College and studied art at Harvard University. In 1953, she married architect Nathaniel Owings. By that time, she had pledged herself to the preservation of the natural endowments of Big Sur, a place she called ''the most beautiful spot on the globe.''

Margaret began her crusade for environmental protection over fifty years ago when she watched with binoculars as a rifleman killed a Stellar sea lion. She learned that hunters could earn a bounty for killing mountain lions and that sea otters were valued only for their pelts. Margaret co-founded the Friends of the Sea Otter in 1969 and the California Mountain Lion Preservation Foundation in 1987. Through determination, resourcefulness, and unstinting effort, Margaret brought us around to the undeniable conclusion that there is more to gain from saving wildlife than from destroying it. The Big Sur coastline would be a very different place were it not for Margaret's guardianship. She successfully opposed the proposal to straighten the Pacific Coast Highway and widen it to a four freeway. Margaret led efforts to pass Proposition 117 to ban sport hunting of the mountain lions and the setting aside of funds to purchase state parklands.

The appreciation of environmental organizations was expressed by the many awards she received, such as the National Audubon Society Medal and being included in its listing as one of the 100 most influential environmentalists of the century. She was given the Gold Medal Award of the United Nations Environment Program. The United States Department of the Interior conferred the Conservation Service award upon her. And the Sierra Club, in recognition of Margaret's lifelong dedication to the cause of conservation, made her an honorary board member.

Margaret is survived by her daughter, Wendy Millard Benjamin; her stepson Nathaniel Owings; her stepdaughters Natalie Owings Prael, Emily Owings Kapozi, and Jennifer Owings Dewey; her brother, William Wentworth; nine grandchildren and four great-grandchildren.

Margaret's advocacy was accomplished with grace, poise, style and spirit. Her memoir ''A Voice From the Sea: Reflections on Wildlife and Wilderness'' evokes, through her articulate and persuasive voice, the spirituality she found in her wild surroundings.

There is no conceivable measure for the contributions Margaret made; she has left a permanent legacy. Margaret Owings was our hero. She led us by her example, she taught us through her wisdom, she graced us with her vision, and we learned to treasure all that she valued so deeply.

PAKA OUTREACH PROGRAM

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1999

Mr. UNDERWOOD. Mr. Speaker, last year supertyphoon Paka struck the island of Guam causing nearly $400 million in damages and leaving more than 4,000 families homeless. The speed of this particular recovery is unprecedented in the annals of Guam's typhoon-prone history. In situations such as this, however, the emotional needs of disaster victims and stress levels of workers tasked to restore normalcy are often overlooked as other necessities such as restoration of services, reconstruction of homes and businesses, and procurement of basic supplies receive much of the attention.

It is for this reason that the ''Paka Outreach Program'' was implemented. A Crisis Counseling Program established to bring attention and support for the emotional aspects of disaster recovery, the outreach program was authorized through a Memorandum of Understanding between the Child and Adolescent Services Division of the Department of Mental Health and Substance Abuse and the College of Agriculture and Life Sciences, Guam Cooperative Extension Program of the University of Guam. Deriving funds from a Regular Service Grant from the Federal Center for Mental Health Services, the program provided counseling as well as resource and service information about improvement of stress coping responses among disaster victims.

Teams of crisis counselors provided outreach services to people and organizations within the Guam Community. This multi-lingual and culturally diverse group visited homes, shelters, schools and Senior Citizen Centers. Since the inception of ''Paka outreach,'' team members have assisted over 2,000 individuals with services such as crisis counseling consultation education and support groups.

One year has passed since Supertyphoon Paka. Debris has been collected, services have been restored, damages have been repaired, and the island of Guam is green and beautiful once again. Conditions have, more or less, returned to normal. As were recognize the countless men and women who have made possible the island's speedy and successful recovery, I would like to take this opportunity to make special note of the contributions of the Paka Outreach Program. On behalf of the people of Guam, I commend the members of this outstanding team and submit their names in special recognition of their outstanding public service.***HD***PAKA OUTREACH

Department of Mental Health and Substance Abuse.—John W. Leon Guerrero, Director; Aurora Cabanero, Deputy Director; Mariles Benavente, State Coordinator.

University of Guam—Dr. Jeff D.T. Barcinas, Dean/Dir., Coll. of Agriculture & Life Sciences; Victor T. Artero, Associate Dean, Guam Cooperative Extension; J. Peter Roberto, Principal Investigator, Paka Outreach.

Paka Outreach Staff—Sr. Stella Manglona, Project Coordinator; Venancia Colet, Mental Health Consultant; Ronnie Babin, Team Leader; Jeanie Perez, Team Leader; Joseph H. Salas, Team Leader; Jose Caluag, Eloisa A. Chan, Filomena Doone, Jenette Muhat, Karmelin Pachkoski, Marie Pereda, Felisa Quitugua, Marchelle Sablan, Misko Shuru, Dirk Taitano, Remedios Taitague, Simona Cushing Viloria.

A RESONSE TO THE PRESIDENT'S PRESENTATION OF THE DEFENSE BUDGET TO CONGRESS

SPEECH OF

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1999

Mr. PACKARD. Mr. Speaker, I rise today in defense of the men and women who protect our freedom around the world. The military budget proposed by President Clinton is woefully inadequate and we must work together to ensure that Congress corrects its failures and shortcomings.

The increasing instability around the world threatens America's allies as well as American interests. Even as I speak, our sons and daughters who serve are targeted by Iraqi missiles and scores of terrorist forces abroad. Today, the Administration is contemplating further troop deployments in Kosovo.

America's military is now spread further around the world than at any time in our history. Yet the President still fails to provide our

soldiers with the resources they need to protect freedom and even to protect themselves. The President's military budget proposal is long on rhetoric and short on correcting the many gaps in readiness that have developed over years of neglect under his administration. While the President's budget hands out billions to government bureacracies and bloated federal agencies, it falls well short of any serious attempt to provide for the safety of our troops.

The truth is, we aren't keeping our promises to those who serve. You can look no further than our military personnel retention rates to see what years of grossly under-funded budgets have done to morale throughout the service. Highly trained men and women are leaving the miltary in record numbers. The Navy's loss of aviators, many of whom are stationed near my district in San Diego, has reached a critical level. In some cases, we no longer even have the necessary personnel to staff our carriers.

Mr. Speaker, our military personnel are the finest in the world. The readiness and safety of those who protect freedom should not be sacrificed for the personal legacy of a self-absorbed President. It's time we provide them with the best equipment and training available. Anything less is unacceptable.

RECOGNIZING 1ST SERGEANT MICHAEL HAYES FOR OUTSTANDING COMMUNITY SERVICE

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1999

Ms. DELAURO. Mr. Speaker, it gives me great pleasure to come before the House today to honor the long and distinguished record of service of Marine First Sergeant Michael Hayes. Whether serving his nation in the Marine Corps or providing for the needy during the holidays here at home, Sergeant Hayes has set a record of achievement that we can all be proud of.

Even while serving the Marine Corps faithfully here in New Haven, Sergeant Hayes went above and beyond the call of duty and worked diligently to involve his staff and Marine cadets with the community. Of all his accomplishments, the most impressive and the most touching has been his work on behalf of numerous ''Toys for Tots'' campaigns. His commitment has brought more than thirty thousand toys to needy children in the Greater New Haven area, putting a smile on the faces of so many of New Haven's kids on many Christmas mornings.

At the end of this year, Sergeant Hayes will leave the Marine Corps, retiring with the United States Armed Forces Meritious Service Medal, a honor he most certainly deserves. His generosity and dedication to the needs of New Haven residents will not be forgotten.

ROCSAT–1 LAUNCH FROM SPACEPORT FLORIDA A GREAT SUCCESS

HON. DAVE WELDON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1999

Mr. WELDON of Florida. Mr. Speaker, I have the distinct privilege of bringing to the Members' attention the fact that Spaceport Florida has successfully launched its second satellite. On Tuesday, January 26, 1999, I was pleased to personally observe as an Athena rocket left Florida's Spaceport to deploy the ROCSAT–1, the first satellite launched by the Republic of China, Taiwan. I am proud of the success of the government of Taiwan, Spaceport Florida, and involved commercial companies in this endeavor.

The launch of ROCSAT–1 was accomplished with the cooperation of Taiwan's National Space Program Office, Lockheed Martin and the Spaceport Florida Authority. This is only the latest example of the Spaceport Authority's ability to successfully launch payloads into space and at a competitive price. I am hopeful that this successful endeavor between the Republic of China and Florida will lead to more exciting and profitable ventures that will benefit both parties. This is a proud moment for Taiwan and Florida.

After personally viewing the historic launch, I can also say that I firmly believe that Florida's first rate launching capabilities are advancing and will strengthen our competitiveness. I am also pleased that Taiwan chose Florida as the place for launching their satellite. Florida has a proven track record of dependable launches and we added to that number on January 26. I hope this will be the first launch of many.

A BILL TO EXCLUDE FROM GROSS INCOME REWARDS RECEIVED BY REASON OF PROVIDING INFORMATION LEADING TO THE CONVICTION OF A CRIME TO THE EXTENT THAT THE REWARD IS USED TO COMPENSATE VICTIMS OF CRIME

HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1999

Mr. HOUGHTON. Mr. Speaker, I am pleased to join my colleague from New York, Mr. MCNULTY, as well as a number of other colleagues, in introducing a new bill to effectively exempt from taxation the proceeds of the Federal government's reward of $1 million paid to Mr. David Kaczynski for information leading to the conviction of the Unabomber.

We introduced a similar bill late last session, which was passed by the Senate but, due to procedural and content changes, was not considered in the House before adjournment. We believe we have addressed the content concerns of the proposal and are reintroducing a more general bill to be considered through the regular legislative process.

As you may remember, in the fall of 1995 Mr. David Kaczynski provided invaluable assistance to the FBI. As a result of Mr. Kaczynski placing the health and safety of American citizens ahead of family loyalty, Federal authorities were able to apprehend his brother Theodore, the infamous Unabomber.

The Federal Government had offered a $1 million reward for information leading to the conviction of the Unabomber. Not wanting to profit personally from the tragedy caused by a deeply troubled member of their family, David Kaczynski and his wife pledged to distribute the net proceeds, after taxes and attorneys' fees, to his brother Theodore's victims and their families. However, because this income was considered taxable they were only able to direct $534,150 to a community based foundation to be used to benefit the victims of violent crime. If this reward had been tax-exempt, David and his wife would have had approximately $200,000 more to distribute.

Accordingly, we are reintroducing the bill today, which would permit the full reward to be tax-exempt and allow the amount, otherwise used to pay taxes, to ultimately benefit the victims and their families. We invite our colleagues to cosponsor this legislation and assist us in closing this chapter of the Unabomber saga and bring some sense of justice to the Unabomber's victims and their families.

PERSONAL EXPLANATION

HON. JOHN R. KASICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1999

Mr. KASICH. Mr. Speaker, on Wednesday, February 3, 1999, I was unavoidably detained and unable to record a vote by electronic device on Roll Number 9. Had I been present, I would have voted ''aye'' on Roll Number 9.

On Wednesday, February 3, 1999, I was unavoidably detained and unable to record a vote by electronic device on Roll Number 10. Had I been present, I would have voted ''aye'' on Roll Number 10.

On Wednesday, February 3, 1999, I was unavoidably detained and unable to record a vote by electronic device on Roll Number 11. Had I been present, I would have voted ''aye'' on Roll Number 11.

INTRODUCTION OF THE KNOW YOUR CUSTOMER PROGRAM ABOLISHMENT ACT

HON. VAN HILLEARY

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1999

Mr. HILLEARY. Mr. Speaker, on December 7, 1998, the Comptroller of the Currency, the Office of Thrift Supervision, Federal Reserve Board and the Federal Deposit Insurance Corporation published regulations which cut against the very foundations of individual liberties. Under the title of ''Know Your Customer'' regulations, the proposed rule intends to prevent money laundering. However, it instead intrudes on the privacy of law-abiding citizens.

Under the proposed rule, all banks and thrifts in our country would be required to (1) identify their customers, (2) determine the

source of income of its customers, (3) determine the ''normal and expected'' transactions of each customer, (4) monitor each customer's account activity to insure it is compatible with historical patterns, and (5) report any ''suspicious'' transactions.

Thus, if your financial institution, in which you have placed both your finances and trust, feels that you have withdrawn or deposited an amount that could be interpreted as suspicious or outside the ''normal and expected'' transactions that you make, you could have your name sent to law enforcement authorities. All of us at one time or another have had to deposit or withdraw money that falls outside our ''normal'' transactional history. Whether putting a downpayment on a house, a car or even a wedding ring, it is not the FDIC, the FBI or our local bank's business on when and why we would want to make such a transaction or even from where we receive our income.

One would think that if the federal government were to order financial institutions to comb over their customer's finances, they would at least take part of the burden off the financial institution. However, this regulation instead puts an onerous mandate on member banks and thrifts. These institutions must compile all the paperwork, put in all the man hours, and ultimately take all the heat for spying on their customers.

I am all in favor of preventing money laundering; however, this regulation violates the basic privacy rights of American citizens. There are surely other ways to catch the drug dealers and other illegal money launderers that do not infringe on the personal liberties of so many innocent and law-biding citizens.

Luckily the federal government's attack on personal freedom has not gone unnoticed. Already the FDIC has received more than 15,000 comments on these new regulations. All but 12 of these comments are negative.

I am hopeful that by filing this bill today will further discourage the FDIC and other federal agencies from following through with this ill-conceived and shoddily designed rule.

CELEBRATING THE 86TH BIRTHDAY OF ROSA PARKS

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1999

Ms. LEE. Mr. Speaker, I rise today to recognize the 86th birthday of Rosa Parks, a pivotal force in the struggle for civil rights in America. Ms. Parks touched millions of lives when she refused to give up her seat on a Montgomery, Alabama city bus. Rosa's courageous action served as a catalyst for the legendary bus boycott in Alabama and was one of the critical turning points in the Africa-American civil rights movement. With the support of Dr. Martin Luther King Jr. and other civil rights activists, Rosa Parks' action and the subsequent boycott demonstrated the power of individuals and communities to tear down injustice and bring about social change. Her spark ignited a fire that helped to eradicate legal segregation in the South, raise the consciousness of people around the country, and challenge our democracy to guarantee and secure liberty and justice for all.

Rosa Park's 86th birthday and her legacy are especially important today as we celebrate the fourth day of Black History Month, a history which Rosa Parks helped to create. Because of her labor of love and her continued work in the civil rights movement, our children have opportunities which, for many of our parents, were merely dreams and fantasies.

On this day, the anniversary of her birth, I am pleased to join Congresswoman JULIA CARSON and others in a bipartisan effort to honor Rosa Parks by introducing legislation to present her with a long-overdue Congressional Gold Medal. I hope that Members of Congress and people across our nation will join me in supporting this important legislation.

The American people and I wish you a joyous 86th birthday, and we thank you, Rosa Parks, for your life's work and for your invaluable legacy.

TRIBUTE TO ANDREW E. AUSONIO

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1999

Mr. FARR of California. Mr. Speaker, I rise today to mark the passing of Andrew E. Ausonio, who died October 17, 1998, a devoted husband and father an innovative businessman, a leader in his community and a humanitarian both at home and abroad.

Andy was a native of the Salinas Valley, graduating from Salinas High School, and attending Hartnell Junior College. His service in the Armed Forces drew him away for a time, but upon his return Andy applied his attention to developing his business and personal resources. His business capacities took him from Control Operator at the Moss Landing PG&E Electric Generation Plant; to become a founder of numerous property-related firms including Ausonio Construction Company, Inc.; to a position as Director and then Chairman of the Board of the Bank of Salinas; and Director of Artichoke Industries.

Andy committed considerable energy to improve this community as a member of the Elks Lodge; President of Native Sons of the Golden West; President of the Castroville Rotary; Festival Chairman for the Castroville Artichoke Festival; President of the Notre Dame High School Board; Commissioner for the Castroville Fire District; President of the Salinas Valley Builders Exchange; Chapter President of the Associated General Contractors; Finance Commission for the Monterey Finance Commission; Director for the Monterey County Private Industry Council; Director for the Salinas Valley Memorial Hospital Foundation; and as a member of the Advisory Committee for California Assemblyman Peter Frusetta.

Andy had a musical side and was a member of the Watsonville community, brass and German bands. He was the major fundraiser in getting the North Monterey County High School band to play at President Bill Clinton's Inaugural Celebration in Washington, D.C.

As a Rotarian, Andy organized a trip to the village of San Antonio Such, Guatemala, to work on a sewage water treatment system that was a threat to the health of the population due to the untreated sewage in the local streams. He returned to determine how the Rotary could best help the local people, and subsequently organized a literacy project. The project used Spanish books from California schools that were distributed in Guatemala. During his tenure, Andy also made improvements to the infrastructures in other areas of South America and Italy.

Andy enriched his own community and communities around the world, with his ability to implement his practical talents through the medium of his larger vision of the world and its values. His work will be lasting, as will the lessons he taught every individual, whom he has inspired. Our deepest sympathies go to his family and those closest to Andy Ausonio.

PLUMBING STANDARDS IMPROVEMENT ACT OF 1999

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1999

Mr. KNOLLENBERG. Mr. Speaker, I rise today to introduce the Plumbing Standards Improvement Act of 1999. This bill would begin to restore common sense to our government by repealing the ridiculous federal mandates on toilet size and showerhead flow, 1.6 gallons per flush and 2.5 gallons per minute, respectively.

In 1992, Congress considered and eventually passed the Energy Policy Act (EPA). At that time, a unique coalition of environmental activist and plumbing manufacturers joined forces to expand the size of our already bloated government and push for a national policy on, of all things, plumbing products. With the help of the U.S. Department of Energy, this coalition claimed it was essential to ban certain types of toilets and showerheads. Instead of allowing individuals to make their own choices, this group claimed the federal government should choose the types of plumbing fixtures Americans can use in their private and public bathrooms.

Since passage of the 1992 EPA, the voices in opposition to this policy have become loud and clear. I first became aware of the problems our national plumbing laws have created when I began to receive complaints from a variety of frustrated individuals. These discontented consumers, plumbers, remodelers, landlords, home builders, and others were upset their new, expensive toilets were repeatedly clogging and consistently required multiple flushes. Obviously, these new products were not saving water and therefore proved counterproductive to the original intent of the legislation.

To date, I have received thousands of calls, letters, and faxes from individuals all across the country, and the political spectrum, who support restoring common sense to our government and reducing the enormous burden placed on them by inefficient and needless government mandates. The message is clear, and often written on toilet paper: ''Get the government out my bathroom!''

While support for ending these mandates has steadily grown, the importance of this issue has grown even further, Currently, the Department of Energy is considering a ban on top-loading washing machines as well as certain types of water heaters, fluorescent lamps, central air conditioners, and other common products used by American every day. In addition to providing relief for those suffering under plumbing fixture laws, we must pass this bill to

ensure the voice reason is heard before additional mandates are enacted.

The American marketplace works well, but only if consumers are allowed to buy the products they desire. If some consumers want tiny toilets or trickling showerheads, the economy will provide these products without the burden of federal decrees. In addition, if state and local governments wish to establish their own plumbing policies, they are free to do so. Unfortunately, our failed policy on plumbing fixtures has strangled the market, created innumerable headaches, and put us at risk of suffering under further one-size-fits-all mandates. Now is the time to heed the call of suffering Americans, pass the Plumbing Standards Improvement Act of 1999 and restore wisdom to our federal government.

TRIBUTE TO FRANK BALAJADIA MANIBUSAN

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1999

Mr. UNDERWOOD. Mr. Speaker, the island of Guam lost a distinguished veteran on Sunday, January 24, 1999. Frank Balajadia Manibusan, one of the first Chamorros ever to enlist in the United States Navy, passed away at the age of 81 in Union City, California after a long illness.

Born in Santa Cruz, Hagåtña on February 10, 1917, Frank's military career gave him the chance to witness several significant events in our nation's history. The eldest son child of Juan and Soledad Manibusan, Frank joined the Navy in 1939. This enlistment placed him at Pearl Harbor when the Japanese air attack on the Naval Base was launched on December 7, 1941, prompting the involvement of the United States in World War II. As a member of Fleet Admiral Chester W. Nimitz's personal staff, he later witnessed the official end of the war as Japanese representatives signed an unconditional surrender aboard the U.S.S. *Missouri* in 1945. He retired with the rank of Senior Chief Petty Officer (E8) in 1960.

The late Frank Balajadia Manibusan left a legacy of service held with pride by the island of Guam and its people. On behalf of the people of Guam, I offer my condolences and join his widow, Brigida, and their children, Darlene, Frances, Leilani, Frank and Jesse in mourning the loss and celebrating the life of a distinguished son of Guam.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, February 9, 1999, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 10

9:30 a.m.

Health, Education, Labor, and Pensions

To hold hearings on Department of Labor budget intiatives.

SD–430

Commerce, Science, and Transportation

Business Meeting to markup S. 82, to authorize appropriations for Federal Aviation Administration.

SR–253

Indian Affairs

To hold hearings on the nomination of Montie R. Deer, of Kansas, to be chairman of the National Indian Gaming Commission.

SR–485

10 a.m.

Finance

To hold hearings on United States Trade Agreements compliance focusing on international dispute settlement and domestic enforcement measures.

SD–215

Judiciary

Business meeting to consider pending calender business.

SD–226

11 a.m.

Foreign Relations

Business meeting to consider committee's rules of procedure for the 106th Congress, and their subcommittee assignments.

S–116, Capitol

FEBRUARY 11

9:30 a.m.

Environment and Public Works

To hold hearings to examine the President's proposed budget request for fiscal year 2000 for the Environmental Protection Agency.

SD–406

Armed Services

To resume hearings on proposed legislation authorizing funds for fiscal year 2000 for the Department of Defense, and the future years defense program.

SH–216

Banking, Housing, and Urban Affairs

Business Meeting to markup S. 313, to repeal the Public Utility Holding Company Act of 1935, and to enact the Public Utility Holding Company Act of 1999, and the proposed Financial Regulatory Relief and Economic Efficiency Act of 1999.

SD–538

Health, Education, Labor, and Pensions

To hold hearings on the proposed budget request for the Department of Education.

SD–430

1 p.m.

Budget

To resume hearings on the President's proposed budget request for fiscal year 2000.

SD–608

FEBRUARY 12

9:30 a.m.

Budget

To hold hearings on national defense budget issues.

SD–608

FEBRUARY 22

1 p.m.

Aging

To hold hearings to examine the impact of certain individual accounts contained in Social Security reform proposals on women's current Social Security benefits.

SD–628

FEBRUARY 23

9:30 a.m.

Health, Education, Labor, and Pensions

To hold hearings on Department of Education reform issues.

SD–430

FEBRUARY 24

9:30 a.m.

Armed Services

Readiness Subcommittee

To hold hearings on the National Security ramifications of the Year 2000 computer problem.

SH–216

Health, Education, Labor, and Pensions

Public Health and Safety Subcommittee

To hold hearings on antimicrobial resistance.

SD–430

2 p.m.

Armed Services

Personnel Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 2000 for the Department of Defense and for the future years defense program, focusing on recruiting and retention policies within DOD and the Military Services.

SR–222

FEBRUARY 25

9 a.m.

Energy and Natural Resources

To hold oversight hearings on the President's proposed budget request for fiscal year 2000 for the Department of Energy and the Federal Energy Regulatory Commission.

SD–366

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the Military Order of the Purple Heart, the Fleet Reserve, the Retired Enlisted Association, the Gold Star Wives of America, and the Air Force Sergeants Association.

345, Cannon Building

Health, Education, Labor, and Pensions

To hold hearings on protecting medical records privacy issues.

SD–430

2 p.m.

Judiciary

Antitrust, Business Rights, and Competition Subcommittee

To hold hearings to review competition and antitrust issues relating to the Telecommunications Act.

SD–226

Energy and Natural Resources

To hold oversight hearings on the President's proposed budget request for fiscal year 2000 for the Forest Service, Department of Agriculture.

SD–366

MARCH 2

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the Veterans of Foreign Wars.

345 Cannon Building

Energy and Natural Resources

To hold oversight hearings on the President's proposed budget request for fiscal year 2000 for the Department of the Interior.

SD–366

MARCH 4

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the Veterans of World War I of the USA, Non-Commissioned Officers Association, Paralyzed Veterans of America, Jewish War Veterans, and the Blinded Veterans Association.

345 Cannon Building

MARCH 10

9:30 a.m.

Armed Services

Readiness Subcommittee

To hold hearings on the condition of the service's infrastructure and real property maintenance programs for fiscal year 2000.

SR–236

MARCH 17

10 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the Disabled American Veterans.

345 Cannon Building

MARCH 24

10 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the American Ex-Prisoners of War, AMVETS, Vietnam Veterans of America, and the Retired Officers Association.

345 Cannon Building

SEPTEMBER 28

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the American Legion.

345 Cannon Building

CANCELLATIONS

FEBRUARY 10

9:30 a.m.
Energy and Natural Resources
Business meeting to consider pending calendar business.
SD–366

FEBRUARY 11

Time to be announced
Energy and Natural Resources
Foreign Relations
To hold joint hearings to examine United States policy toward Iraq, focusing on proposals to expand oil for food.
SD–419

8:30 a.m.
Year 2000 Technology Problem
To hold hearings to examine information technology as it applies to the food sector in the Year 2000.
SD–192

POSTPONEMENTS

FEBRUARY 10

8:30 a.m.
Judiciary
Antitrust, Business Rights, and Competition Subcommittee
To hold hearings to review competition and antitrust issues relating to the Telecom Act.
SD–226

Monday, February 8, 1999

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S1337–S1384

Measures Introduced: Six bills and one resolution were introduced, as follows: S. 387–392, and S. Con. Res. 7. **Pages S1367–68**

Measures Passed:

Honoring King Hussein: Senate agreed to S. Con. Res. 7, honoring the life and legacy of King Hussein ibn Talal al-Hashem. **Pages S1382–84**

Impeachment of President Clinton: Senate, sitting as a Court of Impeachment, continued consideration of the articles of impeachment against William Jefferson Clinton, President of the United States, receiving the presentation of evidence from the House managers and White House counsel. **Pages S1337–65**

Notice of Intent: A notice of intent to suspend the Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials in regard to any deliberations by Senators on the articles of impeachment during the trial of President William Jefferson Clinton was submitted. **Page S1365**

Notice of Intent: A notice of intent by Senators Daschle and Feinstein to suspend Senate Rules VII (paragraph 2) and VIII (paragraph 2) in order to permit a motion to proceed to a censure resolution was submitted. **Page S1380**

Notice of Intent: A notice of intent by Senators Feinstein and Daschle to suspend Senate Rules VII and VIII in order to permit a motion to proceed to a censure resolution was submitted. **Page S1380**

A unanimous-consent agreement was reached providing for the Senate to continue to sit as a Court of Impeachment on Tuesday, February 9, 1999. **Page S1365**

Messages From the President: Senate received the following messages from the President of the United States:

Transmitting the report on the 1999 National Drug Control Strategy; referred to the Committee on the Judiciary. (PM–6). **Pages S1365–66**

Nominations Received: Senate received the following nominations:

Anne Jeannette Udall, of North Carolina, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation for a term expiring October 6, 2004.

Joseph Bordogna, of Pennsylvania, to be Deputy Director of the National Science Foundation. **Page S1384**

Messages From the President: **Pages S1365–66**

Measures Placed on Calendar: **Page S1366**

Communications: **Pages S1366–67**

Statements on Introduced Bills: **Pages S1368–78**

Additional Cosponsors: **Pages S1378–79**

Notices of Hearings: **Page S1379**

Additional Statements: **Pages S1380–82**

Adjournment: Senate convened at 1:06 p.m., and adjourned at 6:37 p.m., until 1 p.m., on Tuesday, February 9, 1999.

Committee Meetings

(Committees not listed did not meet)

SUBCOMMITTEE ASSIGNMENTS

Committee on Agriculture, Nutrition, and Forestry: On Tuesday, January 26, Committee announced the following subcommittee assignments:

Subcommittee on Production and Price Competitiveness: Senators Roberts (Chairman), Helms, Cochran, Grassley, Craig, Kerrey, Daschle, Johnson, and Lincoln.

Subcommittee on Marketing, Inspection, and Product Promotion: Senators Coverdell (Chairman), Helms, Cochran, McConnell, Baucus, Conrad, and Kerrey.

Subcommittee on Forestry, Conservation, and Rural Revitalization: Senators Craig (Chairman), Santorum, Coverdell, Fitzgerald, Grassley, Conrad, Leahy, Daschle, and Baucus.

Subcommittee on Research, Nutrition, and General Legislation: Senators Fitzgerald (Chairman),

McConnell, Roberts, Santorum, Leahy, Johnson, and Lincoln.

SUBCOMMITTEE ASSIGNMENTS

Committee on Appropriations: Committee announced the following subcommittee assignments:

Subcommittee on Agriculture, Rural Development, and Related Agencies: Senators Cochran (Chairman), Specter, Bond, Gorton, McConnell, Burns, Kohl, Harkin, Dorgan, Feinstein, and Durbin.

Subcommittee on Commerce, Justice, State, and Judiciary: Senators Gregg (Chairman), Stevens, Domenici, McConnell, Hutchison, Campbell, Hollings, Inouye, Lautenberg, Mikulski, and Leahy.

Subcommittee on Defense: Senators Stevens (Chairman), Cochran, Specter, Domenici, Bond, McConnell, Shelby, Gregg, Hutchison, Inouye, Hollings, Byrd, Leahy, Lautenberg, Harkin, Dorgan, and Durbin.

Subcommittee on District of Columbia: Senators Hutchison (Chairman), Kyl, and Durbin.

Subcommittee on Energy and Water Development: Senators Domenici (Chairman), Cochran, Gorton, McConnell, Bennett, Burns, Craig, Reid, Byrd, Hollings, Murray, Kohl, and Dorgan.

Subcommittee on Foreign Operations: Senators McConnell (Chairman), Specter, Gregg, Shelby, Bennett, Campbell, Bond, Leahy, Inouye, Lautenberg, Harkin, Mikulski, and Murray.

Subcommittee on Interior: Senators Gorton (Chairman), Stevens, Cochran, Domenici, Burns, Bennett, Gregg, Campbell, Byrd, Leahy, Hollings, Reid, Dorgan, Kohl, and Feinstein.

Subcommittee on Labor, Health and Human Services, and Education: Senators Specter (Chairman), Cochran, Gorton, Gregg, Craig, Hutchison, Stevens, Kyl, Harkin, Hollings, Inouye, Reid, Kohl, Murray, and Feinstein.

Subcommittee on Legislative Branch: Senators Bennett (Chairman), Stevens, Craig, Feinstein, and Durbin.

Subcommittee on Military Construction: Senators Burns (Chairman), Hutchison, Craig, Kyl, Murray, Reid, and Inouye.

Subcommittee on Transportation: Senators Shelby (Chairman), Domenici, Specter, Bond, Gorton, Bennett, Campbell, Lautenberg, Byrd, Mikulski, Reid, Kohl, and Murray.

Subcommittee on Treasury and General Government: Senators Campbell (Chairman), Shelby, Kyl, Dorgan, and Mikulski.

Subcommittee on VA–HUD–Independent Agencies: Senators Bond (Chairman), Burns, Shelby, Craig, Hutchison, Kyl, Mikulski, Leahy, Lautenberg, Harkin, and Byrd.

SUBCOMMITTEE ASSIGNMENTS

Committee on Armed Services: On Thursday, January 14, Committee announced the following subcommittee assignments:

Subcommittee on Airland: Senators Santorum (Chairman), Inhofe, Roberts, Allard, Hutchinson, Lieberman, Cleland, Landrieu, and Reed.

Subcommittee on Emerging Threats and Capabilities: Senators Roberts (Chairman), Bob Smith, Santorum, Snowe, Sessions, Bingaman, Kennedy, Byrd, and Lieberman.

Subcommittee on Personnel: Senators Allard (Chairman), Thurmond, McCain, Snowe, Cleland, Kennedy, and Reed.

Subcommittee on Readiness and Management Support: Senators Inhofe (Chairman), Thurmond, McCain, Santorum, Roberts, Hutchinson, Robb, Bingaman, Byrd, Cleland, and Landrieu.

Subcommittee on Seapower: Senators Snowe (Chairwoman), McCain, Bob Smith, Sessions, Kennedy, Robb, and Reed.

Subcommittee on Strategic: Senators Smith (Chairman), Thurmond, Inhofe, Allard, Hutchinson, Sessions, Landrieu, Bingaman, Byrd, Robb, and Lieberman.

House of Representatives

Chamber Action

Bills Introduced: 17 public bills, H.R. 613–629, and 1 resolution, H.J. Res. 24, were introduced.

Pages H480–81

Reports Filed: Reports were filed as follows:

Filed on Feb. 5: H.R. 437, to provide for a Chief Financial Officer in the Executive Office of the President (H. Rept. 106–7 part 1);

Filed on Feb. 5: H.R. 391, to amend chapter 35 of title 44, United States Code, for the purpose of facilitating compliance by small businesses with certain Federal paperwork requirements, to establish a task force to examine the feasibility of streamlining paperwork requirements applicable to small businesses (H. Rept. 106–8 part 1);

Filed on Feb 5: H.R. 436, to reduce waste, fraud, and error in Government programs by making improvements with respect to Federal management and debt collection practices, Federal payment systems, Federal benefit programs (H. Rept. 106–9 part 1);

H.R. 193, to designate a portion of the Sudbury, Assabet, and Concord Rivers as a component of the National Wild and Scenic Rivers System (H. Rept. 106–10);

H.R. 439, to amend chapter 35 of title 44, United States Code, popularly known as the Paperwork Reduction Act, to minimize the burden of Federal paperwork demands upon small businesses, educational and nonprofit institutions, Federal contractors, State and local governments, and other persons through the sponsorship and use of alternative information technologies (H. Rept. 106–11, Part 1); and

H.R. 440, to make technical corrections to the Microloan Program (H. Rept. 106–12). Page H480

Presidential Messages: Read the following messages from the President:

Economic Report of the President: Message received on Feb. 4, 1999 by the Clerk wherein he transmitted his Economic Report—referred to the Joint Economic Committee and ordered printed (H. Doc. 106–2); Pages H464–66

District of Columbia Budget Request: Message received on Feb. 5, 1999 by the Clerk wherein he transmitted his budget request for the District of Columbia—referred to the Committee on Appropriations and ordered printed (H. Doc. 106–17); and

Page H468

Peace in Bosnia and Herzegovina: Message received on Feb. 5, 1999 by the Clerk wherein he transmitted his report concerning the ongoing efforts to attain a sustainable peace in Bosnia and Herzegovina—referred to the Committee on International Relations and ordered printed (H. Doc. 106–18). Pages H466–68

Senate Messages: Messages received from the Senate today appear on pages H463–64.

Quorum Calls—Votes: No recorded votes or quorum calls developed during the proceedings of the House today.

Adjournment: The House met at 2:00 p.m. and adjourned at 2:15 p.m.

Committee Meetings

No Committee meetings were held.

COMMITTEE MEETINGS FOR TUESDAY, FEBRUARY 9, 1999

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Agriculture, Rural Development, and Related Agencies, to hold hearings on proposed budget estimates for fiscal year 2000 for the Department of Agriculture, 10 a.m., SD–138.

Committee on Armed Services: business Meeting to resume markup of S. 257, to state the policy of the United States regarding the deployment of a missile defense capable of defending the territory of the United States against limited ballistic missile attack, 8:45 a.m., SR–222.

Full Committee, to resume hearings on proposed legislation authorizing funds for fiscal year 2000 for the Department of Defense, and the future years defense program, 10 a.m., SH–216.

Committee on Commerce, Science, and Transportation: to hold hearings on the nomination of Wayne O. Burkes, of Mississippi, to be a Member of the Surface Transportation Board, Department of Transportation; to be followed by a hearing on S. 96, to regulate commerce between and among the several States by providing for the orderly resolution of disputes arising out of computer-based problems related to processing data that includes a 2-digit expression of that year's date, 9:30 a.m., SR–253.

Committee on Finance: to hold hearings to examine general revenue financing of Social Security, 10 a.m., SD–215.

Committee on Health, Education, Labor, and Pensions: to hold hearings on proposed legislation authorizing funds for elementary and secondary education programs, 9:30 a.m., SD–430.

House

Committee on International Relations, Subcommittee on Africa, hearing on America's stake in trade and investment in Africa, 1:30 p.m., 2172 Rayburn.

Committee on Resources, Subcommittee on Forests and Forest Health, hearing on the Community Protection and Hazardous Fuels Reduction Act of 1999, 2:00 p.m., 1334 Longworth.

Committee on Rules, to consider the following: H.R. 391, Small Business Paperwork Reduction Act Amendments of 1999; H.R. 437, Presidential and Executive Office Financial Accountability Act of 1999; H.R. 436, Government Waste, Fraud and Error Reduction Act of 1999; and to approve the following: Committee Budget; Committee Oversight Plan for the 106th Congress; and Committee Budget Views and Estimates for Fiscal Year 2000, 1 p.m., H–313 Capitol.

Next Meeting of the SENATE

1 p.m., Tuesday, February 9

Senate Chamber

Program for Tuesday: Senate will continue to sit as a Court of Impeachment to consider the articles of impeachment against President Clinton.

Next Meeting of the HOUSE OF REPRESENTATIVES

12:30 p.m., Tuesday, February 9

House Chamber

Program for Tuesday: Consideration of 5 Suspensions:

(1) H.R. 433, to restore the management and personnel authority of the Mayor of the District of Columbia;

(2) H.R. 169, to amend the Packers and Stockyards Act;

(3) H.R. 440, to make technical corrections to the microloan program;

(4) H.R. 439, to minimize the paperwork demands upon small business; and

(5) H.R. 435, to make miscellaneous changes to trade law

Note: No recorded votes are expected before 5 p.m.

Extensions of Remarks, as inserted in this issue

HOUSE

DeLauro, Rosa L., Conn., E155
Farr, Sam, Calif., E154, E156
Hilleary, Van, Tenn., E155
Houghton, Amo, N.Y., E155
Kasich, John R., Ohio, E155
Knollenberg, Joe, Mich., E153, E156
Lee, Barbara, Calif., E156
Packard, Ron, Calif., E154
Underwood, Robert A., Guam, E154, E157
Vento, Bruce F., Minn., E153
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Congressional Record

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